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International Court of Justice

General Levy

SUMMARY OF EVIDENCE OF ALBERT HOFFMANN

WITNESS FOR THE CORPS OF POLITICAL LEADERS

TAKEN BEFORE A COMMISSION ON

2 JULY 1946 TRANSCRIPT PAGES 3454 to 3467
3 JULY 1946 TRANSCRIPT PAGES 2918 to 2958

SUBJECT: 1. Denial that Witness issued Directive allowing Lynching of Allied Flyers.

2. Charges Pertaining to the Corps of Political Leaders.

The witness, a business man, joined the party in 1926 because he was disgusted with the party struggle which took place immediately after the First World War and believed that the National Socialist movement offered a new road to economic security. From 1934 until 1940 the witness was Referant on the staff of the Deputy of the Fuehrer. In 1939 he participated in the Polish Campaign. From 1941 to 1943 he was Deputy of the Gauleiter in Upper Silesia. From February 1943 until the capitulation the witness was Gauleiter and Reichs Defense Commissar in the Gau Westphalia Sud. Although the witness received the title of Gauleiter in June 1943, he did not have the full leadership until the Spring of 1944 when Gauleiter Wagner died. (pp. 3456, 3457)

I. Activities Relating to Article 6 of the Charter

1. Conditions in Bombed Areas of Germany -- Sentiments regarding Mob Action against Allied Flyers

Prior to questioning with respect to a decree which was issued over his name on February 25, 1945 regarding the treatment of parachuting pilots, the witness briefly delineated the situation within his Gau during the years 1944 and 1945. He testified that the Gau Westphalia Sud, over which he presided, was one of the industrial centers of the Reich. The air raids which became severe in the Spring of 1943 hit not only military targets but residential areas as well. Practically all of the witness' time as Gauleiter and Reichs Defense Commissar was devoted to the work of diminishing the effect of these raids upon the population and alleviating the damage done by them. This entailed a great deal of work in securing rations and supplies and a large program of evacuation of the people of Westphalia to Pomerania, the Eastern Sudeton, and Baden Alsace. There were a number of occasions on which allied planes attacked peasants in the field, people going to their place of work, and areas which had no military significance. (pp. 3457, 3458)

The witness testified that he, as a soldier, always regarded the allied flyers who were forced to perform emergency landings as soldiers. He opposed non-military treatment of soldiers. Therefore, when the air attacks became very intense and the feeling against the flyers was high he refrained, in his broadcast to the people in his district over the wireless, from inciting the population against aviators who were shot down. (p.3459)

The witness testified that he knew the contents of Document R-1120, US 333, which was a directive of the Reichsfuehrer SS, dated August 10, 1945, which forbade the police to mix into the affairs between Germans and English and American aviators who had to bale out of their planes. He testified that he received this directive in his capacity as Reich Defense Commissar but that he did not remember receiving the accompanying letter signed by Brand. The witness testified that this was an executive directive and had nothing to do with the Party and he said that he did not circulate this directive to the lower levels. (pp. 3459, 3460)

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The witness was shown another directive which emanated from the Party Chancellery dated 30 May 1944 (Document PS 057). He testified that he was acquainted with this directive. His attention was called to an accompanying letter of Friedrichs in the Party Chancellery which directed that the ortsgruppenleiter should be informed of it only orally. The witness stated also with respect to this document that he did not pass it along to the lower levels even though it was in line with the theme of the day "People's Justice against Anglo-American Aviators". He stated that he refrained from publishing this directive because his essential attitude was against such activity. The witness said that he had a peculiarity of not circulating orders of which he did not approve. (p. 3460)

The attention of the witness was called to an article of the Reichs Minister for Propaganda, Goebbels, published in the "Volkischer Beobachter" on 29 May 1944 which stated among other things that it was unbearable to think of using German police and soldiers against German people who had treated murderers of children according to their just deserts. The witness remarked that if this was the same article, which he remembered as having been broadcast, he and Reichs Marshall Goering had discussed its theme at about the time of its publication. Goering expressed views which coincided with those of the witness; namely, that mob attacks against allied flyers were wrong. He explained to the witness that the military leaders had great use for the statements made by pilots. (p. 3461)

2. Explanation of Decree Bearing Witness' Name which Allowed a Mob Action against Parachuting Pilots

The witness was shown a directive dated 25 February 1944, Document 154, US 325. Defense counsel called the attention of the witness to the fact that this document appeared to have come over the teletype or some other long-distance communication medium. The witness testified that the document was a message which had been received by a conference switchboard and was not one which he wrote with his own hand. He testified that his command post was on Harkort Mountain and that he was connected with various kreisleiters by telephone. (p. 3462)

He stated that the circumstances under which this telephonic report which was attributed to him was issued as follows: Toward the end of February in 1944 the gau staff office chief of the witness, whose name was Stueve, submitted to the witness the outline of a directive to party and state offices regarding the treatment of allied flyers who had made emergency landings. The witness eliminated from the outline everything which concerned the party so that it then applied only to the Reichs Defense Commission. He initialed the outline after such deletions had been made. Later a clean copy was submitted to him. The witness did not sign the clean copy because as he thought it over his old scruples against popular action applied to allied flyers returned to him. In addition, the directive contained an order to the police and he had no jurisdiction over the police in his capacity as Reich Defense Commissar. In this capacity, he had had some difficulty with various police leaders who wished to extend their authority. (p. 3464)

The attention of the witness was called to the fact that the distribution list of Document 154 US 325, under discussion, indicated that Kreisleighters were to be informed of it. He was asked why kreisleiters had to be informed of something which did not concern the party but just concerned the Reichs Defense Commission. He stated that the kreisleiters received a copy for information only. (p. 3464, 3465)

The attention of the witness was called to the fact that with respect to directives issued in his capacity, as Reichs Defense Commissar, he should not have had as his advisor, Mr. Stueve, but a Reich Defense Referent. Defense counsel asked him howit was that the Reich Defense Referent was not charged with the directive after it had been eliminated as a Party Order and had been changed to a Reich defense matter. He was asked why the Referent did not get in touch with him. The witness answered

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that he could not understand how it was that he failed to hear from the Referent because it was the rule that any initial outline before it was issued had to be submitted again to the Defense Commissar by the Referent. (p. 3465)

By way of summation, defense counsel asked the witness how it was possible that the directive could have been issued over the conference switchboard to any outside office when he had refused to sign the clean copy, had directed Stuve not to allow the directive to be issued, and he had not been contacted by the competent Reich Defense Referent. The witness answered that he learned of the issuance of the directive only during his internment after the end of the war. He testified that he could not understand how it was that this directive was issued. The only thing that he could say was that in one way or another the telephone message went through. He stated that between the time when he had revised the first outline with Stuve and the time when the directive went out an air raid had intervened. He testified that before the planes reached their target the whole communications apparatus was put in motion and that it was possible that this particular directive was given over the telephone along with other directives. He admitted that this explanation was just a conjecture. (p. 3466)

On cross examination the witness was asked whether he was suggesting that his chief of staff issued this order without his authority. He answered that he believed that even this man did not know that the order slipped out. He also testified that he did not know of any other orders which slipped out and he admitted that the order as it went forth was in direct contradiction to his own views on the subject. He conceded that his kreisleiters probably knew his attitude on this matter and when a prosecuting attorney asked him whether he thought they must have been surprised to see this contradictory order he stated that he did not believe that the kreisleiters ever received it. Since the capitulation he has talked with some of these kreisleiters and these men told him they did not receive that order. He admitted, however, that the document which had been shown him and had been received by the Tribunal was in the nature of a receipt over the telephone of the message from his command post as it was received at the kreisleiter's end. The witness then explained that, although the kreisleiter must have been very much surprised at the order in view of his previous known policy they had no way of knowing whether this order emanated from the witness or was merely an order from a higher source which the witness transmitted. (pp. 2932, 2933)

The prosecuting attorney asked the witness how it was that none of his kreisleiters ever mentioned this surprising order to him. The witness answered that it had never been shown how many kreisleiters actually received that order. (p. 2933)

An order of Hess, dated March 13, 1940, which enclosed a directive about the behavior of people in the case of landings of enemy planes or parachutists, Document PS 026, US 696, was shown to the witness. This document directed that enemy parachutists were to be arrested or rendered harmless. It was a top secret document and was to be disseminated only to Kreisleiters, Ortsgruppenleiters, Zellenleiters and Blockleiters. Transmission by official orders, posters, press or radio was prohibited. The witness was asked whether he would agree that the words "rendered harmless" in this directive could mean only that such airmen should be eliminated. He answered that it was quite possible that these words meant only that such men were to be disarmed at once. A prosecuting attorney then asked the witness why, if this were so, it was necessary to give this document a secret classification. He answered that he believed (but was not sure) that the transmission of the document had been handled by the M.O.B. (Mobilization Section) Department which was in the habit of over-classifying all sorts of documents. The witness did concede that he would not have stamped such a directive secret. (pp. 2935, 2936, 2937, 2938)

On cross examination reference was again made to Document R 110, US 333, which forbade the interference of the police in clashes between

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the Germans and English and American flyers. The witness admitted that he had received this order in his capacity as Reich Defense Commissar. In response to questioning he testified that Himmler requested that the order should be circulated to Gauleiters merely so that they might be informed. The witness insisted that Gauleiters had no authority over the police. The witness stated that he disapproved of this order and he was asked whether he had directed it with other Gauleiters. He replied that Gauleiters meetings were not discussions but merely occasions on which the Gauleiters listened to pertinent lectures. When pressed for a more responsive answer the witness stated that Gauleiters did not discuss this order among themselves because it was considered too risky. He was asked whether an order for murder was so usual that one would not even consider it worthy of discussion, and he answered that he did not believe that this was an order for murder. (pp. 2939, 2940)

On redirect examination the witness offered a further explanation as to the meaning of the words "to make harmless" in the directive of Hess. He stated that it was his impression that this referred to the necessity to prevent the parachutists from destroying their notes and cards. (pp. 2955, 2956)

Document PS 057, US 329 was again shown to the witness by the prosecuting attorney. This order of the Party Chancellory prohibited police action or criminal proceedings against those who participated in incidents against allied flyers. The witness testified that he did not believe that this order had slipped out by mistake. He reiterated that he disapproved of this order and he stated his belief that this order also was issued to Gauleiters and Kreisleiters purely as a matter of information. He believed that this order itself was sent down through party channels because complaints from the people concerning the actions of allied flyers had gone up through party channels. The witness was asked by the prosecuting attorney whether it was not a fact that this order was sent to Gauleiters, Kreisleiters, and Ortsgruppenleiters because they were the officials who were in a position to incite the people to lynch airmen, and they could answer the complaints of the people by saying "why don't you lynch the next airman that comes". The witness answered that this was a matter of opinion. (p. 2943)

The contents of the order which bore the name of the witness was called to his attention; to wit, that fighter and bomber pilots shot down were, on principle, not to be protected against the indignation of the people. The order stated that the witness expected that all police offices will refuse to lend protection to these gangster types. The witness was asked, in view of the contents of this order and of the speech of Goebbels, the order of Hess, and the order emanating from the Chancellory, (all referred to in the immediately preceding paragraphs of this summary) whether it was not a remarkable coincidence that the order bearing his name, which was in complete conformity with the sentiments stated in the other orders should just "have happened to slip out". The witness answered that the true facts were as he had already stated them. The prosecuting attorney then asked the witness whether it was not an extraordinary thing that such a surprising order should not have been ever mentioned to the witness by his Kreisleiter. This question was not answered by the witness. (pp. 2943-2944)

3. Other Charges Relating to the Corps of Political Leaders

(a) The Church

The witness stated that when he became Gauleiter in 1943 one of his first directives stated that he did not wish to hear any church-political arguments. He stated that he himself was a pantheist and that he respected the opinions of others and refused to do anything which would take away from them something which they believed they were in need of. Within his Gau he had no difficulties with either Christian denominations. The witness cited as an example of his own cooperative attitude with the church authorities the fact that he had accomplished the revocation of a rule which forbade church services prior to 11 o'clock on any morning following an air alarm. (pp. 2920, 2921)

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On cross examination the witness stated that he did not believe that the policy of the Nazi Party was to suppress the influence of the churches but that it was a policy of separation of church and state. On this question a statement from Document D-75 was read to the witness which said that National Socialism and Christian concepts are irreconcilable and also that the National Socialist ideology was far loftier than the concepts of Christianity, which essentially stemed from Jewry. The conclusion stated in this Document was that, therefore, the German people did not need Christianity. The prosecuting attorney asked the witness whether this sounded as if the party was advocating separation of church and state, or whether it sounded more like suppression of the church. The witness answered that this circular of Bormann represented his private views. He was asked, then, why it was sent to the Gauleiters. He answered that Bormann probably wanted to inform the Gauleiters of his private views and he also called attention to the fact that within a very short time a special order of Hitler withdrew this order. (pp. 2946, 2945)

(b) The Jews

The witness stated that he was Kreisamtsleiter in Bremen at the time of the Jewish boycott in 1933. He stated that there were only a few Jews in Bremen but conceded that the newspaper Stuermer was distributed there. The witness testified that he personally objected to the distribution methods used by Streicher with respect to this publication, and when he was called to the Staff of the Deputy of the Fuehrer he was able to procure a decision that the Stuermer would not be considered a party political publication. (pp. 2921, 2922)

At the time of the anti-Jewish activities in November 1938 the witness was Referent on the Staff of the Deputy of the Fuehrer. He stated that prior to the 9th of November he knew nothing about the proposed anti-Jewish activities. On the morning of the 9th, he heard that during the preceding night there had been a big row on the Ober Salzberg and the Leiter-in-Chief, Friedrichs, had been ordered to telephone to all Gauleiters and direct them not to take any part. The witness stated that he was in such a position that if participation in these anti-Jewish activities had been contemplated by the political leaders on the Staff of the Deputy of the Fuehrer, he certainly would have heard about it. Therefore, he believed that his own lack of pre-knowledge of these demonstrations was a proof that the corps of political leaders had nothing to do with them. (p. 2923)

On cross examination the witness was asked whether he agreed with the basic ideas of Hitler on such subjects as race theories, the Jewish persecution, and the disregarding of pacts? He answered that a gauleiter of the Nazi party would stand by the race principles of the National Socialist Party, and that he approved of them otherwise he would not have become Gauleiter in the Party. (p. 2953)

On redirect examination the witness explained that by agreements with the racial theories, he meant that he desired to bring the ratio of the Jewish people in the key positions of the state offices down to the ratio which their population bore to the entire population of Germany. He stated that after the seizure of power the people were informed that Jews would be deported to Madagascar or to the East after the war. The people never heard about the extermination of the Jews although he did remember that on the 24th of February, 1945, Hitler said "That should Germany lose the war, those who started the war would not get away with it". He stated that even at that time he did not suspect that during those years millions of Jews had been exterminated and that he had no inkling of that fact until he arrived in the witness house at Nurnberg. (pp. 2953, 2957, 2958)

(c) Concentration Camps

In his Gau, Westphalia South, there were no concentration camps. Furthermore, the witness stated, he did not know of anyone having been thrown into a concentration camp from his district during his term of office. He did admit that it was possible that the Gestapho had accomplished some arrests and some deportations to concentration camps independently. He didn't know anything about that because the Gestapho offices were not subordinate to him. (p. 2924)

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The witness testified that in 1936 or 1937 he was in Dachau and also that he accompanied Himmler on a visit to Auschwitz in 1941. He was asked whether he had seen any incinerators which were used for the purpose of burning hundreds of thousands of corpses. He stated that two new incinerators had been constructed in Auschwitz at the time he was there. From the conversations between Himmler and the Camp Commandant he learned that these incinerators were used to burn the bodies of those who had died in the normal course of events. This he believed to be an exceedingly hygienic measure. He was shown urns which he was told were sent to members of the families. He himself did not notice anything which appeared to be a transgression of ordinary human decency. The witness testified that his visits to these camps were not at all in the line of his duties as a political leader. (pp. 2924, 2925, 2926)

On cross examination the witness was asked whether it occurred to him that the death rate at Auschwitz must have been extraordinarily high in order to require two brand new incinerators to dispose of the bodies of those who came to a natural death within the camp. He stated that a city of 30,000 people might also need facilities to take care of its dead. When the witness was pressed on the point of whether these incinerators did not arouse his suspicions, he stated that he, as Deputy Gauleiter at that time, concerned himself with party matters and had no desire to inspect prisons or sanitariums. He was asked whether the mere circumstance of these incinerators did not put him on inquiry as a decent ordinary individual. He stated that he was forbidden to make any inquiries or ask any questions about this and he was asked whether this circumstance was not a further suspicious circumstance. (pp. 2946, 2947, 2948)

(d) Criticism of State

The witness was asked what happened to people who criticized the measures of the state authorities and the answer that within his district he encouraged "pro-national" criticisms which was constructive and not negative. He testified that he created a Board for the purpose of listening to such criticisms. (p. 2924)

(e) Foreign Labor

The witness testified that in his Gau everything possible was done to create a good situation for foreign laborers. He directed the close inspection of food which was given to the Russian workers and caused an increase in the daily quantity of calories given them. Certain tests with respect to the food given to 10,000 workers in his Gau proved the correctness of his theory that an increase in calories resulted in increased efficiency among the workers. The witness testified that he did not know of any case of ill-treatment of foreign laborers, but he conceded that such incidents might have happened. He stated that it was the particular concern of the representatives of the German Labor Front that the foreign workers should be treated well because it was only in this way that their output was maintained. He stated that during the period of intense bombing attacks, industries saw to it that their "darlings" were well treated and well fed. The witness himself by his silence consented to the use of the Black Market in Holland for the feeding of foreign workers. (pp. 2926, 2927)

On cross examination the witness was referred to Document D-338 which was a special medical report by a camp and works doctor at Essen, dated July, 1944, and was addressed to the Insurance Doctors Association of Germany and to a doctor on a gau staff, by the name of Dr. Heinz. This document set forth the deplorable conditions in the sick bay hut for workers at Ravenherst Camp. The witness stated that he was not prepared to give testimony in connection with this document because it did not relate to matters within his gau. His attention was called to the fact that it was sent to the professional medical advisor to a gauleiter, and he was also asked whether it was not true that the gauleiter had the responsibility of inspecting the slave labor employed in industry. He said that this was not true. His attention was then called to Document PS 344 which was issued by Sauckel in May, 1942, which placed the responsibility for the care of foreign labor with the German labor front, and then stated that the Gauleiter would have the right of inspection so as to insure execution of Sauckel's order. The witness stated that although he was Deputy Gauleiter at the time of this order, he did not know of it. The witness was next shown Document PS 205

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which directed that a firm but just teratment should be extended to foreign workers and that injustices, insults, trickeries, and mistreatments must be discontinued. He was asked why it was necessary for Bormann to direct the discontinuance of such treatment unless it was true that foreign workers had been mistreated in some fashion. The witness answered that he believed that in this circular, Bormann was transmitting Sauckel's wishes upon the occasion of Sauckel's first taking over the direction of foreign labor in Germany. (pp. 2948, 2949, 2950, 2951, 2952)

On redirect examination the witness stated that he believed that the report of the representative of the D.A.F. that in some community camp the rain poured into the barracks indicating that some political leaders wanted to stop this not extraordinary condition in fulfillment of his duties rather than that a political leader was derelict in his duties. The witness stated also that in the beginning of the war most Germans thought that Russian prisoners of war were bad people. Later they found out that they were excellent workers and the feeling against them receded. He conceded that it was quite possible that during the early days individual farmers may have used measures which were not correct in their treatment of Russian prisoners of war. At any rate the witness did not believe that any such incidents had anything to do with the corps of political leaders. (p. 2957)

(f) Einsatzstab Rosenberg

The witness was asked whether he knew anything concerning the Einsatzstab Rosenberg. He remembered having met a man in Kiev who showed him a Russian painting exhibit, but other than this incident he heard nothing about the plundering of art objects until after the capitulation. He attributed his lack of knowledge or information on this subject to the fact that the Einsatzstab Rosenberg was active in foreign countries. (p. 2928)

(g) Prolongation of War - Destruction Decree

The witness was asked when it was that he came to the realization that Germany was no longer in a position to win World War Two. The Commissioner asked defense counsel how he considered such testimony of any importance and on what grounds he assumed that other people would have a similar opinion. The counsel for the Political Leadership Corps stated that if a man who held positions as important as gauleiter and Reichs Defense Commissar did not realize that there was no hope for victory until shortly before the collapse, it would be a fair inference for the Tribunal to draw that officials in the lower grades of Block Leiter and Ortsgruppenleiter would be at least equally deceived by Hitler, Goebbels and company. With this explanation the witness was allowed to proceed. He then testified that he believed the recurrent assurances of peace made by Hitler before the war. The witness also said that in February, 1945, he attended a meeting at the Party Chancery to which Adolph Hitler said that he hoped to bring about peace by Fall. He also testified that Doctor Ley had informed him that Hitler had told him (Ley) that he (Hitler) still had something but that he did not specify what it was because he knew that Ley could not keep his mouth shut. The witness said that as late as the 20th of April he believed in miracle weapons, and that it was in complete good faith that he encouraged his people of the Gau Westphalia South to keep going. (p. 2930)

When at last the witness learned that all was lost he disregarded the destruction directive of the Fuehrer. Not only did he specifically countermand these orders but he also sent his Staff Officer, Chief Streuve, to Reichleiter Bormann with a protest. The staff office chief was ordered to execute this directive and the witness thereupon explained to Reich Minister Speer why he found it impossible to follow this order. Speer submitted the objections of the witness to the Furhrer and the ultimatum was withdrawn. The witness also objected to the order for evacuation which would have caused him to put his people out on the street during bombing attacks.

Summarized by:

J. S. CONWAY

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SUMMARY OF EVIDENCE OF KARL HEINZ HOFFMANN WITNESS

FOR THE GESTAPO ORGANIZATION TAKEN BEFORE A COMMISSION ON

26 JUNE 1946 TRANSCRIPT PAGES

27 JUNE 1946 TRANSCRIPT PAGES

SUBJECT: 1. Tasks, aims, activities, and methods of the Security Police in Denmark, the Netherlands, and Norway from 1940 to 1944.

2. Deportation of French statesmen and generals and treatment accorded them.

After having finished his legal education, witness became judge in 1937. He was Senior Assistant Judge in police office in Coblenz. Then he was Political Consultant for the Government and in 1939 had the same position in Dusseldorf. With the war he became Consultant of the Inspector of Security Police and after the occupation of the Netherlands was employed in the same capacity in Denmark, doing administrative work in the office of the commander-in-chief of police. In 1940 he was transferred to the Reichsministry of the Interior and commandeered to the Office of Secret State Police. He was in charge of the division which dealt with Western European questions until 1943 when he was transferred to the Chief of State Police in Denmark and took over the Office of Gestapo Department Four. He joined the Party on 1 December 1932 and became an SS man by reason of the "coordinating decree" of October or November 1939, with the highest rank of Sturmbannfuehrer.

I. Activities Relating to Article 6 of the Charter

1. Participation of Gestapo in occupation of Denmark

Witness testified, from his experience in Holland, that no preparations for work in Western Europe were made by the Gestapo. Gestapo officials in Holland learned of the occupation of Norway and Denmark and of the Western offensive through the newspapers.

Denmark had accepted Germany's ultimatum and its sovereignty was recognized by Germany. The German plenipotentiary in Denmark added about 10 or 15 men from the Criminal Police and the State Police to his staff. In the beginning these men had neither executive powers nor authority to do intelligence work. These officials cooperated with the Danish police and conferred with them on current police problems. The Danish Army continued to exist.

This office of the Reich's plenipotentiary in Denmark was instituted about the fall of 1942 and at that time was held by Dr. Best. The Office of Police Attache was created by the Foreign Office and the Gestapo office so as to coordinate police work in Denmark with continued recognition of Danish sovereignty. This attache was under the Foreign Office, the different Reich police offices and the Reich's plenipotentiary.

Acts of sabotage began to increase in Denmark which brought a strained relationship between these countries and led to an increase in the police forces in Denmark. At that time there were about 40 officials. The Gestapo maintained that this sabotage was intended to provoke Germany to stricter measures so as to stimulate a resistance movement among the people.

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The witness was sent to Copenhagen in December 1942 as Deputy Chief of Amt IV for the purpose of studying conditions there. Danish officers were entrusted with the task of maintaining order and violations were punished by Danish courts. However, in 1943 a state of martial law was declared and the Danish Army was disarmed. These measures were necessary because of an increase in sabotage and, to prevent the Danish Army from initiating hostile activities in the rear of the German forces. The Danish Government withdrew, 300 Danish nationals were arrested and it was then that the deportation of Danish Jews was started.

The Higher SS and Police Leader was the highest police official in Denmark and controlled the Order Police, the Security Police, the Waffen-SS, Danish SS formations, and the Schallburg Corps. He was immediately subordinate to the Reichsfuehrer SS and in the sphere of police work was of equal rank with the military commander and the Reich plenipotentiary in Denmark.

The Office of Chief of Security Police was then organized in Denmark. Its head was the commander and the departments were: (1 and 2) Personnel and Administration, (3) SD, (4) State Police, (5) Criminal Police, (6) Intelligence. Liaison offices of the Security Police, the SD, and the Frontier Police Commissary Offices were dispersed through the country. The Chief of Security Police and SD was under the jurisdiction of the Higher SS and Police Leader but under conditions of combat or martial law he was to be under the military commander-in-chief.

Orders were given to the Gestapo offices by the Higher SS and Police Leader, by the Reich Main Security Office and by the Reich plenipotentiary in Denmark. Military commander had jurisdiction over the Security Police in the event of martial law. Basic instructions were received from the Reich Main Security Office and directives on current local problems came from the Higher SS and Police Leader. The branch offices of the Security Police were separated from those of the SD on the request of police that police officials should be in charge of such offices but the SD often had charge of liaison offices.

The Secret Field Police had small part in police work in Denmark and in 1944 two groups of this organization were sent to Denmark and absorbed by the Security Police.

Twenty-five or 30 percent of Department Four consisted of officials from the Criminal Department of the State Police and this nucleus was supplemented by Secret Military Police officials and by draftees and by Danish nationals.

The mission of Department Four of the Security Police was to protect the German Army and to prevent the dissemination of reports regarding Germany by sources in Denmark. As chief of this department witness had to cooperate with the Danish police who were entirely independent and committed only to a cooperation with the German Security Police within the framework of the mission of the latter. An effort was made to use Danish police in combatting sabotage and a list of persons arrested by the Security Police officials was supplied the Danish police. The Security Police considered that the cooperation of the Danish police was unlikely and began to carry out its work independently. In order to obtain the loyalty of the Danish police and to comply with an order within the Reich, the Security Police entrusted to the Danish police the duty of taking care of the families of people who had been arrested. It was the practice of the German police to hand over Danish people to be tried by the Danish courts, especially those who had been apprehended while allowing Danish nationals of the Jewish faith to flee to Sweden. A similar procedure was followed with respect to a Mrs. Meyer who had been accused of a political crime but whose offense was really of a purely criminal character. State

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Police believed that it was futile to expect the Danish police to comply in measures connected with purely German interest, such as the resistance movement and that they could be employed reliably only for measures conducive to the interests of the Danish.

This lack of confidence in Danish police was found to be justified and in December 1944 the Higher SS and Police Leader dissolved the Danish Police Force as the last bearers of arms in Denmark and deported a number of these policemen to Germany. A good part of the resistance movement had been traced to their doors. Dissolution was carried out by the Order Police with some individual assistance by Gestapomen in the securing of documents and files.

In order that further bitterness should not be engendered, the Gestapo managed to save from deportation Danish policemen over 55 years of age and also to delay the deportation procedure until consent could be procured for the sending of these men to prisoner of war camps rather than to concentration camps. Later the Gestapo sent a number of commissions into the camps and selected individuals for return to Denmark. The Gestapo was also able to arrange for the sending of packages to the deported officials through the medium of the Danish Red Cross.

The regulation which required the care of members of the families of people who had been arrested was continued after the dissolution of the Danish police by the Security Police. Under this regulation each family member was to receive information of the arresting and after 14 days each family member was allowed to write letters and to send packages and to see the arrested person from time to time. Wherever possible, information was given as to the reasonable cause and probable length of the arrest. Discussions were held with officials of the Danish Foreign Ministry concerning important individual arrests and specific matters relating to the treatment of prisoners. Some lawyers were selected to represent these families. The Director of the Red Cross was able to call special cases to the attention of the authorities, to send Christmas gifts and special rations of meat and a Danish physician could be procured to examine inmates on the request of the family.

The Gestapo protested to the RSHA regarding counter-espionage measures which it thought were calculated to intensify resistance movement and were contrary to Gestapo regulations. As a result, the Gestapo was excluded from enforcing these measures. However, general measures for the prevention of sabotage, such as the curfew and prohibiting the use of taxicabs, were enforced by the Gestapo.

Someone persuaded the Reichsfuehrer that it was advisable to deport members of the Danish Army to Germany. This was described in Document D 547 G.B. 488. The combined efforts of the Gestapo, the Reich plenipotentiary and other German offices were able to suppress this order.

The "nacht und nebel decree" was issued by the O.K.W. after consulting the Ministry of Justice but without advance notice to the Gestapo, which disapproved of the decree because it provided for interrogations and trials at a place distant from the locality of the crime and because it would have the effect of intensifying the resistance movement. For these reasons this widely published decree was never carried out in Denmark.

The "bullet decree" was never put into effect in Denmark nor was the "commando decree". Witness had nothing to do with the Einsatzgruppen. He knew only that formations of Security Police were annexed to the Army.

Gestapomen at first went unarmed with only officers carrying service pistols but later arming of all personnel with automatic pistols

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was made possible by seizure of weapons from the civilian population.

2. Participation of Gestapo - Occupation of Norway and the Netherlands

The organization of the Security Police in Norway and the Netherlands at the beginning of the occupation was under the leadership of the Chief of the Security Police. Under him were: Departments One and Two, Administration and Business; Department Three, SD; Department Four, Security Police; Department Five, Permanent Police; and Department Six, Foreign Intelligence. In addition, in Norway there were commandos of Security Police and SD sub-divided according to the plan above and in the Netherlands there were commanders of the Security Police at first whose offices were changed in September 1940 into liaison offices. The Office of Security Police was under the jurisdiction of the Higher SS and Police Leader and of the RSHA and also subordinate to the Reich Kommissar, which in turn were subordinate to the Fuehrer. In the beginning these offices were almost exclusively composed of Gestapo offices but they were later supplemented by officers of the CRIPO and the Security Military Police who had been drafted under emergency regulations. The amalgamation of these offices was carried out in Norway and the Netherlands in a fashion similar to that described for Denmark and the duties, actions, and goals of the Security Police were about the same in Holland and Norway as they were in Denmark, namely, to keep up law and order and to guard the German Army and German interests. In the case of martial law being declared when a particular locality should become an area of operation, the military command would have jurisdiction over the Gestapo but the Reich Kommissar in Norway forestalled this possibility by enacting a civilian martial law which retained power in the Gestapo. The occasion for this law was a series of attacks on German police in Amsterdam and Rotterdam.

On cross examination witness was not willing to concede that burning of houses as reprisal for sabotage actions was a criminal act. He did admit it was inefficient police work and maintained that the Gestapo shared the viewpoint that only persons who had been proven guilty should be shot. When pressed, he admitted that shooting of hostages was criminal and maintained that that was the type of thing which "we were fighting against". He stated his opposition to the deportation of people from homes into concentration camps without regard of individual responsibility and to the use of tactics of torture. It was for these reasons that his department opposed Terboven.

On further cross examination regarding clearing murders (where a German was killed a Dane should be killed) and counter sabotage (where a plant producing for Germany was destroyed one producing for Denmark should be destroyed) the witness insisted that these measures were not carried out by the Gestapo. Witness knew that Hannecken, Dr. Best, and General von Brauchitsch attended a conference at the Fuehrer's Headquarters on 30 December 1943. He did not know of the reported presence of Himmler, Kaltenbrunner, Keitel, Jodl, and Schmundt, but he was told by Mildner after his return from Berlin that Mildner had been replaced by Bovensiefen as head of the Security Police because Mildner had not pursued a sufficiently aggressive counter-sabotage attitude. Bovensiefen told him that it was Hitler's orders that Danish sabotage against German industry was to be met by similar acts against Danish industry without regard to responsibility. The Gestapo could not prevent the carrying out of this order at first but later he protested it.

Mildner ordered the murder of Kaj Munk and he used a group called the Peter Group which had come to Norway for that specific purpose.

When Bovensiefen succeeded Mildner he ordered the compiling of "A" list of intellectuals and politically suspect persons who could

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be arrested in time of crisis. This list was later used by a commando group that carried out murders from it but the witness did not know of its use for this purpose when he supplied it. Gestapomen in Denmark knew of the activity carried out by the Peter Group but had no pre-knowledge of it by reason of word from higher headquarters. In the carrying out of the arrest of Danish policemen for deportation to German concentration camps under the orders of Hannecken and by means of Peter Group with a member of the Security Police, each unit was so accompanied in order to secure the files and other material that was in the police stations.

When the Danish police had been gathered on to a transport in the harbor, the witness and some companions went out and brought back leading police personnel whom they knew and trusted. This was done partly with the consent of Hannecken and partly on the initiative of the Gestapo.

Witness himself never carried on a third degree interrogation. He assigned an expert criminal Kommissar, named Weise, to carry out the third degree interrogation of Colonel Timroth. Confronted with statements of Timroth with respect to physical mistreatment and beatings, the witness repeated that the military resistance group under Timroth had shot 50 German soldiers in the back from a gas station but expressed his impression that Weise had gone beyond the prescribed limits for third degree interrogations.

On redirect examination the witness stated that the reason the Gestapo was opposed to reprisals against civilians for resistance movement activity was that a member of the resistance considered himself part of a fighting Army and as such he was not deterred by the shooting of hostages and the burning down of villages. The best way of alleviating resistance activity was by removing the reasons for the resistance by means of a sensible German policy.

When the Security Police moved into Holland, the Reich Kommissar declared that no Netherland citizen could be arrested by German police officers without his consent. This law was rescinded late in 1940 at the time of the first resistance movement. Because Heydrich did not anticipate any kind of riots he had ordered a reduction of the Security Police forces in Holland in September 1940. The Security Police did not agree that their forces should be reduced.

Witness, from his activites in Berlin, knew that in 1942 when 43 hostages were shot in Holland, Berlin protested this shooting to the Fuehrer's Headquarters and no further hostages were shot. The witness did not know whether these shootings were carried out by the Security Police because he was not then in Holland.

While witness was in Berlin the Gestapo office there attempted to bring about the recall of Reich Kommissar to Norway, Terboven, because the latter adopted too strict a policy with respect to the resistance movement and succeeded only in aggravating the situation. This protest brought results. Mistreatments of prisoners were learned by Headquarters of RSHA in Berlin through the Norwegian White Book published in London, and the Gestapo initiated an investigation which resulted in the recalling and disciplining of a Personal Aide to Terboven.

3. Deportation of Jews from Denmark

Shortly after the institution of the Office of Security Police an order came from the Foreign Office and the Reich Main Security Office in Berlin to initiate the deportation of Jews. The Security Police in Denmark opposed this measure because they believed it would intensify the resistance movement. A representative from Eichmann, Sturmbannfuehrer Guenther, arrived in Copenhagen for this project and special Order Police were transferred from Berlin to carry it out. The Gestapo took no part in this project other than to supply individual officers,

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to assist the Order Police, and to prepare and hand over a list from material which had been given to the Security Police by the Reich plenipotentiary. The witness denied a statement from pages 3521 and 3522 of the German Transcript of testimony before the Tribunal which reported that 8 or 10,000 Jewish people were seized and deported by the Germans. He estimated the number of deportees at 600. No seizure of Jewish property was carried out. Forcible entry of the premises which had been occupied by the Jews was prohibited by the Security Police and keys of the flats were turned over to the Social Ministry. The only objects which were seized were those which had direct relation with the execution of illegal activities. With respect to the final solution of the Jewish problem, witness had concluded, from his experience in the Gestapo office, the following objectives: first, emigration of Jews for the purpose of work and, second, trans-settlement toward the East for the purpose of settlement. He learned nothing of the intention to exterminate the Jews until after the capitulation. Before that time he had heard of individual programs being carried out in Russia and in Poland.

Eichmann had formerly been employed in Amt IV of the RSHA, as had been the witness, but Eichmann had an office of his own in another part of the city. He participated in conferences but no mention was ever made of his province. He had come from the SD and had no personal contact with the regular Gestapo officials. He rejected suggestions of the witness that the Gestapo be used in the deportation of Jewish people because of special knowledge, and apparently he considered departments other than his own as useless. The order of Jodl (Document U.K. 56 R.S. 355) issued 22 September 1943 directing the carrying out of the Jewish deportation by the Reichs fuehrer of the SS and the transfer of two battalions from Denmark for this purpose referred to Norway, the Netherlands, Belgium and France as well as to Denmark. This the witness knew because of his position as head of "Western Europe" Department of Amt IV.

Of 350 casualties of Department Four who died in connection with the resistance movement, 80 were killed by British or Reds; 40 were wounded by the same method; 40 to 50 shot by the resistance movement; and 40 were wounded on the road.

The fight against the resistance movement was extremely difficult and very severe. Gestapo officers were shot at from behind closed doors and there were many casualties on both sides. However, it is not true as reported in S 666 and R.S. 317 that Gestapo officers shot Danes on purpose when they made arrests. The statement of this report that the shooting of hostages did not take place in Denmark is correct because the Army had made preparation for the arrest of hostages only in the event of an invasion and upon the suggestion of the Gestapo even these preparations were dropped later on. On 29 August 1943 the Reich plenipotentiary or the Army ordered the arrest of distinguished people in Denmark and these were interned for a period of several months for the purpose of general security. When the office of the Gestapo was founded these people were released because there was no complete accusation against them.

Aside from the deportation of Danish nationals of Jewish faith and of the Danish police and the Danish resistance movement, the witness knew of no other deportation from Denmark to Germany.

On cross examination it was elicited from the witness that when Eichmann sent his representative, Guenther, to Copenhagen to direct the evacuation of the Jews he and Mildner who was Chief of the SIPO and the SD had to assist Guenther. Witness insisted that he protested to Berlin to no avail. There was no Higher SS and Police Leader in Denmark at that time because Pancke arrived in November and this was in September 1943. Mildner flew to Berlin to protest the deportation and persuaded his chief, Mueller, to send a teletype to the Reichsfuehrer SS. After

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Mildner's return they received an order from the Reichsfuehrer SS to carry out the deportation and then Sturmbannfuehrer Guenther arrived with two battalions of police to perform the job.

The witness knew nothing of the deportation of Jews from Holland except that he had seen some monthly reports regarding the same. He could not give information concerning confiscation of Jewish property by the Security Police in that country.

Witness knew nothing of the testimony contained on 3519 of the German Transcript regarding the deportation of Jews from Camp Westoborg to Poland. This was handled by Eichmann who kept his own counsel. The Gestapo had nothing to do with the securing of laborers within Holland for Germany. These came under the Reich Ministry of Labor and for the period of witness' term in Holland it was forbidden to arrest people who refused to work.

4. Concentration Camps

The Gestapo interpreted an order from Berlin allowing the deportation of arrested people in Denmark to concentration camps in Germany to apply to those who under the existing regulations were to serve long terms in prison or those who were guilty of capital offenses. During the early days of the deportation selection according to this standard could not be made.

The Security Police took part in the deportation of communists which is mentioned in Exhibit 666 RS 317 but these had been arrested by the Danish police at the outbreak of the German-Russian war.

In 1943 witness saw the concentration camps at Dachau, Oranienburg and Buchenwald. From his observation and what he was told, conditions did not seem bad and he considered the transfer to a concentration camp preferable to the pronouncement of the death sentence by German courts. In 1944, by reason of the increased death rate the Gestapo concluded that conditions could no longer be good. It tried to avoid sending people to concentration camps and for this purpose established its own camps at Froslev. A more lenient attitude in Berlin enabled them to carry out this policy. There were no concentration camps in Denmark. The camp at Hvass was a Polish detention camp.

On cross examination the witness admitted that the Danish report that a total of 6104 Danes had been sent to German concentration camps or prisons in Germany might be accurate.

Norway and Holland

There was a concentration camp in Holland at Hertogenbosch which was under the administration of the inspector of the concentration camp at Oranienburg. This was an SS office.

5. Orders and regulations and policies governing arrest and imprisonment - third degree methods

According to general directives Danish nationals were arrested by the Security Police only if they had taken an active part in actions against Germany by sabotage or by attempting to lessen the morale of the German Army. At the time of the institution of the Office of Chief of Security Police of Denmark there was a camp at Froslev for political inmates. This camp had been administered by the Reich plenipotentiary and guarded by members of the Order Police. Jurisdiction of the camp was transferred to the Security Police, the guarding remained in the hands of the Order Police, and administration of the camp was carried out by Danish Prison Administration authorities. Henceforth inmates of the camp were mainly members of the resistance movement who were detained from the time of their arrests until the time of appearance in

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court. The presence of Danish prison authorities insured good treatment of prisoners and there was no systematic maltreatment or torture. All camps and all prisons within Security Police jurisdiction were ordered to turn over their inmates to the Allies or to the Danish authorities upon any event of military defeat. The Polish prison in Copenhagen was guarded by German Order Police and contained prisoners who were under investigation or those who had been fuund guilty but not assigned. There were no tortures or torture instruments or torture chambers there. There was one arrest building in Copenhagen and there were no labor training camps in Denmark.

Third degree methods were applied according to decree. In the rare instances of excesses in the use of this method, action was taken against the offices concerned. The witness was familiar with the cases of Professor Morgans and Colonel Timroth, mentioned on pages 3319 and 3320 of the German Transcript, and knew that both interrogations had been approved. In the case of Timroth the result of the interrogation was apprehension of people who had shot German troops marching in Copenhagen. In general, third degree was only applied when the saving of German lives required it, such as to find arms and explosives. Measures which went beyond the third degree were punishable and witness knew of instances of such punishment. He would have known of any systematic maltreatment and he never heard of this. The Gestapo believed that other methods of interrogation, such as the counter-play of political measures, were more effective than the third degree. Approximately 20 third degrees were approved for Copenhagen.

Military courts existed for the arrest of Danish resistance movement leaders for the arrest on prosecution and witness never heard that Danes considered these trials illegal. The work of these courts was discontinued by order of Hitler early in 1944.

SS and Police Tribunals handled the criminal cases of members of the Security Police and the SS. The Gestapo refused to arrest families of offenders as was ordered in a teletype of November 30, 1944 P.S. 46 and there was military pressure on the Gestapo to obey this order but they refused to do so because experience showed that this would have aggravated the situation.

In order to conduct a sharp interrogation (third degree) it was necessary to secure the approval of the Chief of Amt IV. The witness knew of four or five such during his time. Later the right of approval was transferred to the Befehlshaber and witness had no further record of them.

6. Arrest and treatment of high French statesmen and officers by Gestapo

Arrest and deportation of Weygand, Gamelin, Prime Minister Reneaux, Leon Blum, Daladier, the Chief of the General Secretarial of the French Unions, Leon Jouhaus, plus 70 other generals and high Government officers was carried out on the orders of the Reichsfuehrer. The Gestapo recommended that these men should not be housed in prison cells and was instrumental in persuading the Reichsfuehrer to consign them to localities where they would have living conditions suitable for their stations in life.

II. Evidence of voluntary or compulsory membership

Members of the State Police offices in Denmark did not volunteer for such services. They were ordered or transferred to these positions. Members of the Secret Military Police who in 1944 were sent to Denmark and taken into the Security Police did not volunteer for this assignment but were drafted according to emergency regulations.

Summarized by: J. S. CONWAY

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SUMMARY OF EVIDENCE OF THEO HUPFAUER WITNESS

FOR THE CORPS OF POLITICAL LEADERS TAKEN

BEFORE A COMMISSION ON 11 JULY 1946

TRANSCRIPT PAGES

SUBJECT: Organization and Assignments of the DAF (Labor Front)--
Its political independence of the Party Leadership.

Witness studied law at Vietsburg and Luzerne, Switzerland. He was referendar at Amtsgericht (Court House) at Landgericht (the lowest German District Court) and Berzirksamt, Landrat (Police Headquarters) and also engaged in the private practice of law. His professional association with the DAF began in July 1933. He remained with this organization until 1944 when he became Chief of the Central Office of the Reich Ministry for Armament and War Production. He joined the Party in October 1930.

I. Activities Relating to Article 6 of the Charter

1. The aims, activities and freedom from politics of the DAF (Labor Front)

The last position held by the witness in the DAF was that of Section Chief of the Central Office in charge of the Section of Social Self-Administration. He served in this capacity from 1936 until 1944 and he was immediately under the leader of the DAF. The DAF was an attached organization of the Party. As such it was part of the Party Organization but as far as personnel and assignment was concerned, it was autonomous and free from domination by the Party Political Leadership. On the Reichs level of the DAF there was the Central Office; on the Gau level, the Gau Administration of the DAF; on the Kreis level, the Kreis Administration of the DAF; and on the Ortsgruppenleiter level, the Orts Administration. Within the regional structure there were various Amts or main offices, such as an Amt for education training, an Amt for public health, for public education, social problem self-administration. In addition, there were offices for the care of factories, for the individual industries, such as chemistry, etc. There were also administration offices for organization, personnel sections, etc.

The main connecting points between the DAF and the Nazi political leaders were that the high leaders of the DAF, the DAF leader, the Gau Manager of the DAF, the Kreis leader, and the Orts Manager of the DAF held positions of equal rank within the Nazi Political Leadership Corps. For instance, the Leader of the DAF was Reichs Organization Leader of the Party, and the Gau Manager of the DAF was Gauamts Leader of the Party.

Not all of the Amts officers of the DAF were also political leaders. In fact, in the Central Office a minor part were political leaders. Becoming a political leader required an application to the Party made by the superior of an individual DAF official. It frequently resulted that, of two people who fulfilled the same functions, one was a political leader and the other not, or that an assistant in a particular department could be a political leader and the chief of that department would not be a political leader. Consequently, some officials in the DAF fall within the charges preferred against the political leaders and others do not. The witness himself was a political leader, having been appointed to this by reason of an application which had been made for him by a superior official.

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As Chief of the Section for Social Self-Administration, the witness was in charge of securing the cooperation of employers and employees on questions pertaining to work. He operated through the medium of work commissions and work chambers. He sponsored social contests and set up certain factories and efficiency models and he administered problems of wages, working hours, accident prevention, labor law, home work, and working conditions. Such directives as he received came from the Leader of the DAF, Dr. Ley. These directives were sent by Dr. Ley in his capacity as head of the DAF rather than in his title as political leader.

Witness had in his Amt three main departments which in turn had their sections. Only some of these departments and sections were led by political leaders. He issued directives to the Central Section within the Amt, and also, by way of the Gau Manager, to the corresponding sections to his within the Gaus.

Political leaders within the DAF did not participate in any conspiracy which was calculated to start an aggressive war and they did not engage in crimes against humanity or in war crimes. Adolph Hitler outlined the functions of the political leaders of the DAF in November 1934 when he said that they were to secure labor peace by securing the justified interests of the employers and the employees. In the years after 1934 this basic purpose did not change.

Political leaders, in general, were informed only of matters which lay within their immediate scope of duty and, therefore, political leaders of the DAF had no occasion to receive any information regarding general political matters.

The only regular conferences of the Amts Leader and the German Labor Front were with the Leader of the DAF. The political leaders of the central offices of the DAF never participated in the regular conferences of the Party Chancellory. Individual Amtsleiters were called to these conferences only if the discussions were deemed pertinent to their particular duties. The Amtsleiters of the DAF (one of whom was the witness) did not participate in Reichs meetings or Gau meetings and only the Gau Managers of the DAF attended the regular conferences held among the Gauleiters.

It was no part of the function of a political leader within the DAF to indulge in any activities which could be regarded as a psychological or moral preparation for aggressive war.

The witness did not interpret the Points 1, 2, and 3 of the Nazi Party Program, dealing respectively with the unity of Germany, reconsideration of the Versailles Treaty and demands for colonies, as objectives which were to be achieved through the use of force or by war. He believed that Hitler and his assistants were intent on achieving their objectives by means of discussions nd conferences. Peace was an essential for the fulfillment of the social duties which were the assignment of the DAF Leiter.

In 1939, just before the outbreak of war, the DAF embarked on a "strength through joy" program. The political leader of the organization "strength through joy" received from Dr. Ley the assignment of organizing a mass visit of German workers to the Olympiad. During this period, also, the DAF had received a clear order to carry out Point 15 of the Party Program, which dealt with a large scale old-age pension program for the German nation.

The political leaders among the DAF were persuaded that the reenactment of compulsory military training would ensure peace by making the nation strong against war.

There was no suspicion among men in the witness' circle of

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activity that the abolition of the parliamentary procedure in Germany served the purpose of substituting the Party for both people and State for the better preparation of war and for the commission of crimes against peace and humanity. Witness remembered that the Party had promised the later establishment of an authoritarian Parliament.

The DAF was not forced upon German labor. It made and carried out a pledge to assume the obligations of the unions, with respect to payment, to the invalid, the incapacitated, and with respect to the payment of old age insurance and other insurance. In the dissolution of the trade unions, organizations of employers as well as employees were considered and there was no disadvantage to either capital or to labor. In the creation of the German Labor Front this solution of the industrial conflict resulted in great advantage to both the State and to economy.

It was elicited from the witness on cross examination that on the staff of each Gauleiter, Kreisleiter and Ortsgruppenleiter, there was a representative (Betriebsobman) of the DAF, whose duty it was to assist these political leaders in his contacts with the DAF.

The witness was asked whether the basic ideas of Hitler, as expressed in "Mein Kampf", had remained constant and he answered that Hitler himself had said to the French Ambassador that many points in his book had become antiquated. Questioned specifically with respect to race theory, he admitted that that had been constantly adhered to. He answered a question about the extermination of democracy by pointing to the promise in the Party Program for the subsequent setting up of an authoritarian Reich Cabinet, which was Hitler's concept of democracy.

He denied that Hitler had ever informed his political leaders that he wanted aggressive war. He maintained that the propaganda used by the DAF was a socialistic propaganda and one which he called the German conscience socialist propaganda, which he insisted differed from National Socialism but which he was unable to distinguish from National Socialism.

The witness refused to concede that German workers had bloodied their hands on women and children as a consequence of the German Labor Front. He did admit that the atrocities in the Eastern Occupied Territories were a direct result of the race theory but he refused to attribute any culpability for these crimes to the German Labor Front. He said that the propaganda of the German Labor Front does not contain a word from which one may educe crimes against peace, war crimes, or crimes against humanity.

The witness admitted that the German Labor Front over the years had acknowledged Hitler as the leader of the people and that his organization had fully supported Hitler at all times but always within its area of work, which was socialist work.

2. Participation of the DAF in Anti-Jewish Activities

The political leaders of the DAF were not informed as to the extent to which the domination of the Jewish influence in the German economy should be considered as a preparation for war. The witness himself had no knowledge of the true nature of the final solution of the Jewish problem and he did not know of the existence of extermination camps until he learned of them from the reports of the Nurnberg trials.

The political leaders of the DAF had nothing to do with the turning over of Jewish property to Aryans.

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3. Anti-Church Activities

Among the circle of political leaders of the DAF there was one working principle which was to let everyone be happy according to his principles. They numbered in their group Catholics, Protestants and Goffglaubige. They were completely uninformed of the intentions of the high leaders to eliminate the church from German society, as is indicated in such documents as D-75, a letter from the Chief of the Party Chancellory to the Gauleiters.

4. Part of the DAF in the employment of Foreign Laborers in Germany

The political leaders of the DAF had nothing to do with the recruiting or transporting into Germany of foreign workers. When the first foreign workers came to Germany from Italy and Czechoslovakia in 1938, the DAF voluntarily took charge of the accommodation and treatment of these workers. It had control of the food and accommodations at the camps in which they lived. It organized instruction and readaptation centers. It helped with the transfer of wages paid to these workers back to their homecountry and it sponsored sports and cultural events.

In the beginning of the labor assignments by the State, the factories were instructed by the Government that foreign labor should be employed under the same conditions as German labor. This was in conformity with treaties between the different states. The witness know of no verbal or written directives allowing ill treatment of foreign laborers and he emphasized the point that good treatment was a prime essential for efficient results. Defense Counsel showed the witness Document US 202, an affidavit by Dr. Jager, which stated that food and accommodation conditions in Essen were unsatisfactory. He pointed out that from July 1943 on there was heavy bombing of the area around Essen. Witness had the difficult assignment of attempting to maintain the factory output in spite of the bombing. He succeeded in securing enough food so that the workers were able and willing to carry on their assignments. It was because of their satisfaction with the treatment accorded them that the workers in the factories began to report to work more promptly after a bombing so that absentee figures after bombing attacks were reduced from 40 to 45 percent of the workers to the much more favorable figure of 10 to 15 percent in 1944.

The witness denied any knowledge that the official rate of calories for either Germans or foreigners had gone as low as 1000. He stated that the factory was ordered to take care immediately of any unhealthy housing conditions. He pointed out that the town of Essen with its Krupp factory had been one of the most bombed areas and that conditions in this section should not be considered as typical of conditions throughout Germany.

Under cross examination the witness maintained that the primary responsibility for the care of foreign workers lay with the particular factory and that the DAF merely assisted factory management in measures relating to the workers. He was shown an order of Sauckel, issued in May 1942, Document PS 3044 US 206, which placed the care of foreign workers in the hands of the German Workers Front. He interpreted this directive as an order to the DAF to assist the factory management in this matter. His attention was called to the part of this document which gave the Gauleiter the right of inspection and control over the care of foreign workers and he admitted that Sauckel, when he was first made plenipotentiary for the employment of labor, asked the assistance of the Gauleiters in the Chancellory. He emphasized the point that the DAF had nothing to do with prisoners of war.

He was shown a photograph of the barracks where foreign workers lived who were employed in the Krupp factory, and his attention was called to the pictures of small tin boxes outside these buildings.

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Excerpts from an affidavit (D-382 US 897), signed by a number of workmen, mentioning the confinement of a Russian woman in one of these tin cupboards were read to the witness, and he was asked whether such maltreatment would have failed to come to the attention of a political leader of the German Labor Front who was tending to his duty at the Krupp Plant. The witness insisted that if such abuses were allowed to continue at the Krupp Plant, it was in contravention of all explicit directives of the DAF and, if the DAF had known of it, the responsible individual would have been punished in the criminal courts. Another portion of the affidavit was read to the witness, which referred to the beating and the incarceration of two Russians in one of these cupboards. The witness expressed the opinion that the local DAF representative could not have known of this occurrence.

The witness was referred to a particular paragraph of Sauckel's order of May 1942, which directed the continuation of special regulations concerning the treatment of foreign workers and he was asked whether there were any special provisions which applied to Russian workers. He answered in the negative and insisted again that the directives given to the political leader of the Labor Front required just treatment in order to encourage the greatest productivity. He believed that harsh treatment would not have prevented but would have encouraged the escape of the prisoners during the period of confusion after an air raid.

The witness was shown Document 336, which was a letter of Dr. Jager, the Krupp's Works doctor, addressed to the Gauleiter, Dr. Heinz, and which protested the appalling conditions at Camp Dorston. He did not know whether the conditions described in this letter were the responsibility of the DAF, but he pointed out that the letter was written on 18 August 1944, which was the time of the bombing attacks.

The witness was shown Document D-338 (Organization No. 19), which was addressed to the Gauamptleiter and referred to the deplorable conditions of the sick bay in Rebenhorst Camp. He did not attempt to deny that the living conditions in this camp were a responsibility of the DAF. He insisted that the representatives at that time were doing all that was humanly possible under conditions of severe bombardment.

The witness was shown a letter (D-361 US 893), signed by a Mr. Soarleng, Office Chief of the Local Construction Works, dated 25 February 1942, in which Mr. Soarleng referred to a conference at the office of the German Labor Front. At this conference Herr Prior severely reprimanded Mr. Soarleng for his attempts to secure food for Russian prisoners of war who were working at the boiler shop. In the presence of two other DAF men Mr. Prior accused the affiant of taking the part of Bolshevists. Soarleng protested that the Russian prisoners of war had been assigned to him as workers and not as Bolshevists, that they were starving, and that they needed food in order to perform heavy work. He stated that sick people were a liability and not a help to production. Prior answered that Bolshevists were soulless people and that if one hundred thousand of them died, another hundred thousand would replace them. Soarleng pointed out that they could not meet their production goals with a continually changing personnel, and Prior replied that deliveries were only of secondary importance.

The attention of the witness was called to the fact that he had testified that prisoners of war were no concern of the DAF. He was asked why then should Prior and other DAF men have made such a fuss about food which Soarleng had procured for prisoners of war. The witness replied that these men in thus acting had exceeded their authority.

The witness was then asked to explain how a member of his Labor Front could characterize the Bolshevists as a soulless people. His answer was that these were private statements of a single individual and should not be taken as an official attitude of the DAF or an opinion which was shared by any considerable number of DAF leaders.

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The Prosecuting Attorney called the attention of the witness to the fact that these were not private statements but were statements by three representatives of the DAF who were acting in their official capacity.

He was then asked, in view of his previous denial that foreign workers in Germany had been reduced to 1000 calories a day, how he explained Soarleng's statement that the people were starving and not in a position to perform their work of boiler making. He admitted that in every organization there could be found certain unworthy individuals.

With respect to the incident described in the Soarleng affidavit, the witness maintained that the decisive factor in judging an organization like the German Labor Front should be the quality of the directives which emanated from its competent authorities. The Prosecutor insisted that the way the DAF carried its work out was a decisive factor and a statement of DAF administrators which called Bolshevists soulless people was more relevant than finding out how the DAF carried out its tasks. The witness replied that this was a statement among one of 10,000 DAF leaders and the Prosecutor stated that this particular DAF leader had in his charge many slave laborers.

The witness called the attention of the commission to the fact that directives relating to the treatment of foreign workers which emanated from the DAF had been collected in a booklet called "Lagerfuehrer Sonderdienst" and that these, as a whole, showed a policy of humane treatment for reasons of humanity as well as efficiency.

The witness was reminded of Sauckel's order making the Gauleiter responsible for the inspection and control of treatment of foreign workers. His attention was then called to paragraphs 1 and 2 of Document PS 205, in which Bormann ordered the discontinuance of injustices, insults, trickery, and mistreatment, and specifically forbade punishment by physical beating. The witness was asked if it was true that only at the Krupp Plant in Essen were foreign workers mistreated, why was it necessary for Bormann to warn all Gauleiters, Kreisleiters and Ortsgruppenleiters in Germany against such mistreatments. The witness answered that, since every organization has its bad individuals, it was necessary to admonish any organization continuously against abuses. He conceded that excesses were very possible, in view of the tension between National Socialism and Bolshevism.

II. Evidence of Voluntary or Compulsory Membership

Membership in the Political Leadership Corps on the part of DAF officials was contingent upon application made to the Party Chancellory on their behalf. In most cases this application was made for the DAF officer by a higher DAF official and the applicant himself had nothing to do with the application.

There was no resigning and joining of one's free will.

III. Knowledge of Criminal Activities

Political leaders in the DAF had no knowledge that the introduction of protective custody arrests and of concentration camps into the German system of Government was for the purpose of preparing for an aggressive war. These leaders had no official concern with concentration camps and no authority along this line.

The witness stated that he was very familiar with the Fuehrer's decree issued during 1940, according to which no one was to be told any more than that which was strictly necessary for the carrying out of his tasks. He was required on two occasions to inform his follow workers of this decree and they had to acknowledge in writing that they had been informed of it. In addition, the decree itself was posted in many offices.

Summarized by:

J. S. CONWAY

H1094 – 0023

SUMMARY OF EVIDENCE OF KARL HANS CHRISTIAN WILHELM JOEHNK

WITNESS FOR THE S.S. ORGANIZATION TAKEN BEFORE

A COMMISSION ON 1 JULY 1946

TRANSCRIPT PAGES

SUBJECT: Part taken by the S.S. in the Roehm Putsch.

Witness joined the SS on 1 May 1932 and became a member of the Waffen-SS in March 1933. The last rank he held was Hauptsturmfuehrer and Battalion Commander. He was a member of the Leibstandarte.

I. Activities Relating to Article 6 of the Charter

1. Participation of the SS in the Roehm Putsch.

On 30 June 1934 the Leibstandarte was alerted and the guards at the Reichs Chancellory were increased. This formation was brought to Munich where it paraded before Hitler at the Braune Haus and then rode on to Dachauerstrasse where the men turned in their weapons and rested. The First Platoon, of which witness was a member, was called out again and returned to the Braune Haus. Gruppenfuehrer Dietrich who was in command entered the building. While the men were waiting for him to come out they heard for the first time that a putsch had been planned by SA leaders and that the Leibstandarte was to go to Wiessee and clean out the conspirators' meeting ground. They also heard that the Fuehrer had already taken care of the matter at Wiessee. When Dietrich came out the troop proceeded to the local prison. Dietrich and some of his leaders went inside and soon the platoon, which was waiting outside the courtyard, heard seven volleys. When the leaders came out, the men were told that Heines, Heidebreck and Schneithuber and other high SA leaders had been executed and were instructed not to reveal the incident even to their comrades.

On June 30th the formation returned to Berlin where they learned from the men who had remained behind that a courts-martial was meeting and some SA leaders were being sentenced. During the following day they learned of more shootings. The lower leaders informed them that the courts-martial was to meet under the direction of Himmler and a member of the Reichsfuehrer was to participate. The witness knew that this courts-martial gave out sentences because he was informed by the lower leaders who officiated at the executions that these sentences were read. The witness knew of two cases where SA leaders who appeared before this courts-martial were not sentenced to death. Witness was also informed that several SS men were executed for mistreating some of the SA prisoners.

The members of witness' unit were impressed with these events because a number of well known officers from the first war who were regarded as close friends of the Fuehrer had been executed. For their own part, the members of the Leibstandarte felt it an obligation to carry out orders. They believed the executions were right because those shot had acted against the leadership and against the State. Any doubts concerning the lawfulness of the activities were removed by a speech of Hitler on July 3rd before the Reichstag. In this speech Hitler mentioned meetings in which Roehm had participated with a foreign representative and he stated that excessive measures would be submitted to the proper court. The witness understood this to mean that the sentences which the SS had helped to carry out had been handed down by special courts and that the Fuehrer had given them to the lower courts so as to make them official.

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III. Knowledge of Criminal Activities

Questioned on cross examination concerning the particular events of the Roehm Putsch, the witness testified that he personally had not shot anyone and that he did not know how many innocent people were shot; although later he heard that some were. He learned from the press or the radio that the wife of Schleicher was shot when she attempted to prevent her husband's arrest but he did not know whether an SS man did this. He had never heard of Klausen, the Director of the Ministry of Transportation and leader of Catholic action, who was shot on June 30th. He heard later of the shooting of Gregor Strasser who was in charge of farming under Hitler.

He did not think it at all peculiar that Dietrich should have told the Leibstandarte members to be quiet about what they had seen and heard at the prison and he pointed out that they were not told anything of any of these events until they were actually before the Braune Haus. These SS men believed the execution was lawful because they thought that Dietrich had gotten the orders for the execution when he stopped at the Braune Haus. Although the witness admitted that he had now heard of millions having been murdered through orders of Himmler, he maintained that the Leibstandarte did not murder anyone. He did not believe he would have carried out orders to kill someone that he thought was not guilty if the decision had been placed before him.

The witness refused to give an opinion with respect to the characterization by Frick, Reichsminister of the Interior, that the June 30th incidents were the first illegal actions of the Party and that the SS was used by Himmler for these actions. Witness merely repeated that they were told it was a completely lawful measure.

During four and a half years at the front the witness never heard of the murders by Germans of millions of people in conquered territories.

Summarized by: J. S. CONWAY

H1094 – 0025

SUMMARY OF EVIDENCE OF GUENTHER JOEL WITNESS

FOR THE GESTAPO ORGANIZATION TAKEN BEFORE

A COMMISSION ON

24 MAY 1946 TRANSCRIPT PAGES 146 TO 167

27 MAY 1946 TRANSCRIPT PAGES 1059 TO 1067

SUBJECT: 1. Cooperation received by Ministry of Justice from Gestapo in closing of unauthorized concentration camps - Gestapo not implicated in management of such camps.

2. Activity of SA in anti-Jewish demonstrations of November 1938.

Witness entered the Party in 1933 and the SS in 1938 and was an honorary member of the SD (p. 1059). His first legal employment was in 1931 in the Public Assessor's Office in Kassel. In 1933 he became an assistant in the Department of the Prussian Ministry of Justice which worked on the Goering Amnestie (p. 1060). From 1933 to 1943 Dr. Joel was specialist in the Reichministry of Justice and in 1944 became Public Attorney General in Westphalia (p. 1063).

I. Activities relating to Article 6 of the Charter

1. Concentration Camps - Work of Ministry of Justice in prosecuting "Wild" Camps - Innocence of Gestapo

Members of the Party came under the pardon of the Goering Amnesty only for offenses committed in connection with the Nazi revolution and not for offenses of a purely criminal nature (p. 1060).

Witness continued to concern himself with criminal activities of Party members and formations in a department of the Ministry of Justice which had been set up for this specific purpose (p. 1060). Gestapomen were used for political crimes, such as the case which led to the removal of Gauleiter and Gestapo Chief Streicher in Nurnberg (pp 1061-1062).

The witness, on behalf of the Ministry of Justice, took part in dissolution of unauthorized concentration camps at Stettin and Wuppertal during 1934 (p. 1062). Though there was no mention of concentration camps in the Ministry, officials always knew of their existence and Joel heard that Obergruppenfuehrer Eickel erected camps with State Police in charge (pp 1063-1064). In answer to a question whether "leading officials" of the Ministry of Justice knew of extermination camps, witness testified that he never heard term "until after the end of the war". The question was objected to because it called for an answer not based on personal knowledge and the question was withdrawn (pp 1063-1064).

Gestapo acted for the Ministry of Justice within the code of penal jurisdiction. Protective arrest was authorized by a Government order of 28 November 1933 (p. 1062). On cross examination the witness admitted that excesses which were committed by the Gestapo, as complained of in a letter by the Minister of Justice, Dr. Gurthner, to the Minister of Interior (P.S. 3751, U.S.) to wit: ill treating of prisoners out of fun and to make them talk, were not actions within the scope of the penal code but testified that such offenders had been punished (pp 1066-1067). A number of such reports were received at the Ministry of Justice and there was one big case in Berlin in which

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criminal police officials were punished (p. 1068).

Stettin (Vulken Werft) and Bredow (Camp Wuppertal) were two unauthorized concentration camps which were closed by the Ministry of Justice (pp 1062-1063). People were sent to these camps for simple political hostility. They were not given a trial, and they were mistreated. The local Gauleiters had participated in the instalment of the camps. The Stettin camp was an SS camp and Camp Wuppertal was an SA camp. (pp 146-147)

Asked whether statement in P.S. 2824, U.S. 423 ("The Concentration Camp Oranienburg") that SA men were trained for camp guard work at Oranienburg was correct, Dr. Joel stated that special training of penitentiary guards was necessary for the administration of Justice (p. 147) and that SA personnel were employed in various concentration camps.

Witness could not confirm Walter Schellenberg's statement in P.S. 3232, U.S.A. 435, that from 1944 SA took over concentration camp and prisoner of war camp guarding and supervision of forced labor because since 1939, such work was placed in special hands (p. 148).

Objection was made and overruled to witness testifying as to how the SA "took care that the drowsiest citizen" appreciated the incident of a marching troop (History of SA, P.S. 2168 U.S. 411). Counsel for SA asked permission to cross examine witness as to any judgment he might give with respect to the SA and was informed that SA counsel had the right to include the witness among those called for his organization. Dr. Joel then testified that from 1933 to June 1934 the work of Ministry of Justice was almost nullified by atrocities of the SA. (p. 149).

There were many cases of ill treatment in authorized concentration camps. These were usually by guardsmen but witness remembered two hearings prosecuted by the Ministry which involved Gestapomen (p. 151). Over objection by defense counsel, witness was allowed to state that the very word Gestapo brought fear to the minds of everyone in Germany. The population had a fear that arrest by the Gestapo would entail concentration camp detention without the privilege of a hearing and those entering the employ of the Gestapo knew that people were being taken into camps without trial. (p. 152)

Those responsible for the Stettin atrocities received a ten year sentence for hard labor and in the case of Camp Hohenstein the terms were six years and four years. The witness did not know whether these men were pardoned (p. 153). It was not because crime became official that crime decreased. On the other hand, the Ministry of Justice was shocked because there were executions of which it did not hear until the newspapers reported them. Witness did not know the nature of the accusations but had the impression they were not such as would warrant the death penalty. In these circumstances witnesses must consider some of these cases as murder. (pp 153-154)

On redirect examination Dr. Joel stated that, as far as an outsider could determine, the Gestapo had no connection with the concentration camps. The Ministry's only employment of the Gestapo was for the purpose of investigation of political crimes. From a 1938 law the Ministry learned that political investigation was not the least of the Gestapo's tasks. Similar organizations carry out this assignment in other countries. The Commission decided that testimony as to whether those organizations had the capacity to create fear in the people of other countries was outside the scope of the issues. (p. 157)

The two cases of misconduct of Gestapomen mentioned on cross examination were not concentration camp matters but Gestapo questionings. (p. 158)

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The Ministry received varying degrees of cooperation from SD and SS officials in investigations of illegal incidents but witness did not believe authorities tried to cover up. (p. 158)

The Commission ruled against allowing the witness to give his opinion regarding the opportunity of SS men in the occurrence of June 30, 1934, to form a verdict of the guilt or innocence of their victims. Defense counsel then requests the striking out of testimony on cross examination that these people were murderers on the grounds that this was also a matter of which the witness had no knowledge. Dr. Jool was distressed by the fact that in the 1934 putsch executions were performed without trial and because he was unable to find a state emergency so as to justify martial proceedings. (pp 162-164)

Witness prosecuted a case in Hirchberg of June 30, 1934 in which it was obvious that the wrong man had been executed (p. 164).

The Inspector mentioned in the first paragraph of P.S. 3751 U.S. 28 was Heydrich; the shooting of the three SS men on pages 3 and 4 of the document was done by concentration camp guards but the rest of the unapproved measures on those pages was presumably carried out by Gestapomen. (p. 166)

To witness' knowledge Gestapo officials only carried on hearings at concentration camps. (p. 166)

2. Jews - Activity of SA in 1938

The SA was active in persecution of the Jews (p. 150) and there were numerous incidents of the kind described by Samonn (P.S. 3221, U.S.A. 447) in which the editor of a newspaper was questioned and abused. These infractions abated after 1934 but they did not entirely cease, and the SA was active throughout Germany in the anti-Jewish demonstrations of 1938. (p. 150)

II. Evidence of Voluntary or Compulsory Membership

Most of the difficulty encountered in clearing up obstacles to the administration of justice came from Party authorities, as in the case of the Gau of Cologne (p. 159). A State's Attorney prosecuting Party officials was strengthened in his position by joining the SS. Another incident was the assistance rendered witness by the Nurnberg Police President in the prosecution of Gauleiter Streicher. Witness received support of Berlin Gestapo officials in his investigations and for reasons of self-protection against the Party and with the consent of the Ministry accepted a position in the SS in 1937.

The Gestapo had a special department to fight corruption in the Nazi movement. (pp 160-161)

III. Knowledge of Criminal Activities

The witness believed that most Gestapo administrative officials were unaware of any criminal character in the organization. But the fear created by the Gestapo was caused by the knowledge that minor remarks led to political arrest. A man who did not say anything was not molested. (p. 158)

Summarized by: J. S. CONWAY

H1094-0028

SUMMARY OF EVIDENCE OF HANS JUETTNER

WITNESS FOR THE SS ORGANIZATION TAKEN

BEFORE A COMMISSION ON 23 MAY, 1946.

TRANSCRIPT PAGES 236-272

SUBJECT: The Chain of Command of the SS - Verfuegstruppe, Anti-Partisan Units, Administration of the WAFFEN-SS in the field and SS Police Regiments.

Note: This subject was largely covered by the witness Norbert POHL (transcript pages 42). See also testimony of Robert BRILL (transcript pages 1 - 26).

Witness was formerly Inspector of the SS Verfuegstruppe and later Chief of Staff of the SS Fuehrungshauptamt (Operational Headquarters). In 1943 he became Chief of the SS Fuehrungshauptamt (Page 237).

I. Activities relating to Article 6 of the Charter.

1. The SS Verfuegstruppe and how with other units it formed the WAFFEN-SS in 1940.

The SS Verfuegstruppe were the forerunners of the WAFFEN-SS. They were set up as a division by witness himself (Page 237). The SS Totenkopfverbaende joined with the Verfuegstruppe to form the WAFFEN-SS in 1940. After a long struggle Himmler overruled Hitler's orders and in 1940 transferred concentration camp guards to the WAFFEN-SS (Page 239) but according to the witness their connection with the WAFFEN-SS was limited. The members of the WAFFEN-SS in fact did not know that concentration camp guards had been "temporarily assigned" (Page 240). Concentration camp guards were under Obergruppen Glucks of the SS Main Office who acted as their inspector. The operational headquarters of the WAFFEN-SS had nothing to do with that (Page 242).

At the out break of the war the Verfuegstruppe had four regiments of 18,000 men (Page 243).

2. Command and Administration of the WAFFEN-SS.

Defense Counsel asked a number of questions to show that the WAFFEN-SS was part of the Army. This was objected to as irrelevant. The defense, however, claimed that if the WAFFEN-SS was part of the Army its activities could not be declared criminal (Page 245).

According to witness the WAFFEN-SS was under the commander in chief of the Army and was incorporated into higher formations such as corps like any ordinary Wehrmacht unit.. There were no independent commanders in the field (Page 247). There were a total of 14 foreign divisions in the WAFFEN-SS at the end of the war (Page 244).

Counsel referred to PS 1919, Page 8, in which Himmler in his speech states that the ALLGEMEINE SS, WAFFEN-SS, Ordnungspolizie (ordinary police , and Security Police must be considered as one "bloc". Witness's answer to this was that this was meant to be an attack on the WAFFEN-SS and that Himmler often threatened to throw them out of the SS and put them in the Army (Page 248).

In cross examination witness agreed that certain officers of the Wehrmacht were transferred to the WAFFEN-SS during the war as replacements for SS officers and served in special "replacement units".

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In answer to questions concerning the appointment and promotion of officers, witness answered that Himmler appointed all officers to commands and staffs. He had, however, no control over the operational activities of the WAFFEN-SS in the field since it was under the High Command.

He denied that in spite of his being chief of the Fuehrungshauptamt, or operational headquarters, that he had ever heard of members of the WAFFEN-SS being transferred to Einsatzgruppen. He admitted, however, that they formed anti-partisan units.

During the war the so-called idealogical training of the WAFFEN-SS was limited to history and Hitler's "Mein Kampf". The doctrine of "inferior beings" and the necessity for their extermination was not discussed "since there was no time". This subject, however, may have been taught on Himmler's direction prior to the war (Page 269).

3. Anti-Partisan units.

Units under Bach Zelewski could not give orders to the WAFFEN-SS (Page 250).

4. The WAFFEN-SS and the RSHA.

At the beginning of the war in Russia the RSHA had three companies of special service troops under their command. The WAFFEN-SS, however, was never connected with the EINSATZGRUPPEN or the special troops employed by the RSHA or the SD (Page 252).

In 1941 witness said that he complained to Himmler that Heydrich was using WAFFEN-SS units to carry out executions in the Protectorate of Bohemia. This was stopped on Himmler's order (Page 253).

In cross examination the complaint alleged to have been made to Himmler was referred to in Document PS 1972 - US 471. Witness explained that the details of the hangings and shootings given by him in his letter to Himmler were those which formed the basis of his complaint. The employment of the WAFFEN-SS to carry out these hangings and shootings had nearly produced a mutiny (Page 263).

5. Treatment of Prisoners of War and Concentration Camps.

The prisoner of war department was originally under the High Command and later under Obergruppenfuehrer Berger. This was no concern of the WAFFEN-SS (Page 253).

The WAFFEN-SS gained no advantages nor did it have any control over the armament production of inmates of concentration camps. The Fuehrungshauptamt (Operational Headquarters) knew nothing of the extermination of Jews or of ill treatment in concentration camps. The WAFFEN-SS was not connected with the deportation program for Jews and foreign workers.

In cross examination witness said that although he had a "work shop" near Oranienberg, he had never heardof the extermination of human beings there, this in spite of the allegation of the Prosecution that even children in the streets of the town smelt the smell of burning corpses.

Asked whether he had heard that bars ofgold were sent regularly to the SS Medical Section, which had been obtained from the teeth of concentration camp victims, witness observed that the Reichs Doctor of the SS was the only person who could have received such shipments of gold and he was directly under the control of the Reichs Fuehrer SS (Page 266)

In re-examination the witness appeared to contradict himself (see Page 254) by stating that the WAFFEN-SS did get certain advantages as a result of concentration camp labor since they obtained better equipment (Page 271).

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6. The SS Police Regiments.

These did not belong to the SS but were ordinary police units honored by Himmler with this titl . They were composed of both the border and ordinary police (Page 256). (See evidence of Johannes Zupke, Transcript Page 37).

Summarized by: A.M.S. NEAVE
Lt. Colonel, AAG
Commissioner

H1094 - 0031

SUMMARY OF EVIDENCE OF KARL OTTO KURT KAUFMANN

WITNESS FOR THE CORPS OF POLITICAL LEADERS

TAKEN BEFORE A COMMISSION ON THE

16TH OF JULY 1946

TRANSCRIPT PAGES NOS.

SUBJECT: The Organization, Aims and Activities of the Party.

Witness was a Gauleiter from 1925 to 1928 in the Ruhr District and from 1928 to 1945 in Gau Hamburg.

I. Activities Relating to Article 6 of the Charter.

1. Organization of the Party.

The witness joined the Party in 1921 and after its dissolution again joined in 1925. He described three general groups of people who joined the party - (1) the pure nationalists (such as Himmler), (2) the negative anti-semitic (such as Streicher), and (3) the socialistic group (such as Hitler, Goebbels and Strasser, who in particular was pronounced a representative of this concept).

On cross examination the witness stated that he believed in the basic theory of "Mein Kampf", that is the creation of a new social order but he was not in agreement with some of its specific aims, such as anti-semitism and so on.

He stated that a well organized and disciplined party organization was necessary to protect execution of its own propaganda activities inasmuch as the party originated during a time when an armed revolution in Germany was in progress.

The leadership medium of the party consisted of meetings, oral instructions and circulars manipulated by Hitler and the Reich leadership. The Gauleiter had to interpret these directives. The Kreisleiter also had a certain leeway in the interpretation. However, the Ortsgruppenleiter were given definite instructions as to the execution of the measures to be taken by them. The Blockleiters and Zellenleiters were only executive organs of the Ortsgruppenleiter.

2. Attitude of Political Leaders to the Foreign Policy.

Political leaders were never consulted regarding the foreign policy, but after an action had been executed they were merely informed of it. They knew of the basic aims of the party - the abrogation of the Versailles Treat and self-determination of people, but the peaceful intention of the Government was always stressed. As an example the witness referred particularly to the Congress in Hamburg in 1938 where 40 nations participated in celebrating the progress of German social and peace policies.

3. Attitude of Political Leaders toward the Jewish Pogram.

The party was not unified with regard to the Jewish problem. The Strasser or socialist group considered it as a capitalistic question and exponents of this system included Germans as well as Jews. By overcoming the system they hoped to eliminate their economic influence. This group, which represented the largest part of the party, never agreed to the

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road by which the problem was later handled, particularly with regard to the methods illustrated by "Der Stuermer".

Witness was not in agreement with the excesses of 1938 and attempted in his district to prevent harm to the Jews. The Kreisleiters were made responsible for execution of this policy within their areas. Witness also attempted to stop the Jewish persecutions in Hamburg by intervention with Amt Heydrich. He was unsuccessful in this and was told at that time by Heydrich that there existed a large area for their settlement and that they would be taken there. He succeeded later in "seeing that Jews over 60 years were not put in a gas chamber for humane reasons". He admitted that his political leaders considered the gassing ofJews as a final solution to the Jewish problem.

4. Attitude towards the Churches.

It was prohibited to compel any party member or civil servant to resign from the Church. Witness denied that the purpose of the fighting against the Church, pacifists, Free Masons and other political enemies was done in order to facilitate preparation for war.

5. Trade Unions.

Witness stated that in his opinion the reason for the dissolution of trade unions was to destroy resistance against any intention to wage an aggressive war. The occupation of trade union houses was ordered without any threats or measures taken against union personnel. The officers were transferred to DAF.

6. Lynching of Allied Flyers.

Witness admitted receiving a directive stating that there was no objection to the lynching of flyers but later claimed clear counter orders were issued in his Gau.

7. Foreign Labor.

Witness received directives that foreign laborers were to be treated as decently as possible for reasons of productiveness and humanity. The political leaders did not have any influence on their employment or procurement but social work was within their province and care of foreign laborers came within this sphere. The witness issued particular instructions to the political leaders of the DAF and Kreis to pay special attention to their care and innumerable personal visits to camps convinced him that the orders were executed.

8. Relationship of Political Leaders to SS and SA.

Organizationally the SS and SA were outside of the influence of the political leaders but Gau, Kreis and Ortsgruppenleiters were authorized to employ these organizations for specific party work, such as the delivery of propaganda forms. The honorary appointment of a political leader to a service grade in such organizations within the lower ranks was made by organization leaders, Hitler making the appointments in the higher ranks. These appointments did not signify service functions or authority within the organization but were made merely for co-ordinational purposes.

9. Gestapo.

Political leaders had no authority to issue orders to the Gestapo although there may have been instances where it was done on a purely personal basis. Witness himself never visited the GESTAPO but he knew of two cases of mistreatment by them - one in which he took action and the official was punished. He emphasized, however, that he could not interfere with the GESTAPO.

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10. Concentration Camps.

There was one concentration camp in witness's district - Neuengainme - which he visited four times in eleven years. He thought that the camp was "OK", but noticed that prisoners in a labor assignment outside the camp were under-fed. It then developed that the firm which supplied their food had stolen part of their rations and the firm was punished. However, witness claimed that he could assert no influence over the camps and even had to have written persmission from RSHA to visit them.

Summarized by: D. M. HUNT

H1094-0034

Grnac Sec

SUMMARY OF EVIDENCE OF

A L B E R T K E S S E L R I N G

WITNESS FOR THE GENERAL STAFF TAKEN BEFORE

A COMMISSION ON

2 & 3 JULY 1946

The witness' testimony before the Commission was restricted to matters which had not been covered during his appearance before the Tribunal.

SUBJECT:
1. Duties, Goals and Position of the Military Leaders.
2. Re-Armament of the Air Corps.
3. Absence of any Unified Plan to Participate in any Criminal Actions According to Article 6 of the Statutes.
4. Non-Participation by the Military Leaders in Criminal Methods.

The witness was troop commander 1-A in the General Staff on the staff of the chief of the army leadership within the air administration. He was chief of the General Staff of the air corps; commanding general of the air corps; chief of air fleets 1 and 2; commander-in-chief - south-west; commander-in-chief - west; and commander-in-chief - south.

I. Activities Relating to Article 6 of the Charter

1. Growth of the Air Corps

The witness was asked if the army, through the air corps, went over the limitations and agreements of the Versailles Treaty. He replied that to a certain extent it did.

In 1923 and 1924, the air force was attached to the troop office as a technical branch of the weapons office. Theories were studied, some construction was made and some people were trained as pilots. There was cooperation with the Russians insofar as some pieces were constructed in Lipps and some planes purchased in other countries were stocked in Russia and were there used to train German youth in the art of flying. In 1930, there was still no air corps and the supply of anti-aircraft guns was antiquated and had fallen far behind the increasing needs of the army. There were no planes to carry out even the reconnaissance work which was allowed at that time.

The witness denied that the National Socialist Fliers' Corps was a Party organization. He stated that this body had received a charter under existing law and was under the direct jurisdiction of the Chief of the Civil Office of the Air Force and of the Reich Ministry of War. He ventured the prediction that any foreign fliers who had participated in flying events in Germany under the auspices of this association could testify that all sports were carried out properly. In addition to these glider tests, this organization interested itself in the construction of model planes and in some slight pilot training. This activity did a good deal toward building up a basis for cooperation in aviation between nations.

The witness denied that it was an objective to re-arm the air force so that it could be developed within a year to a force of sufficient power to smash all opposition on the Continent. He asserted that the building of an air force was such that it required 10 years to perfect all phases of a production program.

The air corps was not prepared for war when the Polish campaign started. It had been forbidden to build any of the important airports which were necessary for a war of movement east of the Oder. In 1940, the Western offensive had to be delayed several months because there were no large airports available within striking distance. From these circumstances, the witness concluded that the war, during the years 1939 to 1941, was a war of improvization and not of preparation.

The top officers of the newly revived air force were 6 or 10 retired army officers who were re-activated. Below these were a number of middle-aged officers who had been handed over by the army to the air corps. In 1937, the older generals retired and the middle-aged men moved up into the command of the air force.

The witness testified that the war-time General Staff officers of the air force started with General Jeschodeck, who attended various conferences with Hitler. The predecessor of this man was General Stumpf, and during his two years of service, he did not confer even once with the Fuehrer. The witness himself attended one conference with the Reich Marshal.

The first General Staff officer, General Welfer, was with Hitler once or twice. Between 1938 and 1945, there were a total of 18 air corps commanding generals.

Within a period of 7 years, 5 chiefs of staff of the air force were used up. In addition to this, 5 more officers were transferred from the army to the air force after the year 1942.

After 1935, it was a regular practice with Goering to constantly put pressure upon his subordinate leaders in the air force to accelerate its development. The witness emphasized, however, that the military leaders were convinced that this program was intended for security reasons and they considered that Goering did not want war in any sense.

2. <u>The High Military Commanders did not Conspire or Prepare for Aggressive War</u>

The witness testified that the high military leaders were in favor of the move which changed the German army from a small group of professionals into a much larger people's army. They justified this measure on the ground that the army as it then stood was pitifully inadequate for even the smallest emergency. There was not even a sufficient force to defend the country until the League of Nations should step in and decide matters. For this reason the military leaders did not interpret the transformation to a people's army as a step towards aggressive war, but saw in it a measure which led towards the equality of the German Reich with other nations.

The witness testified that the members of the General Staff exerted comparatively little influence in the trend of public opinion. It was true that they were regarded highly by the people, but they did their work quietly and away from the public eye. They were infrequently mentioned in the press and on the radio. The political leaders were monopolizing the public's attention and were very popular. In contrast to the publicity given to political activity, the General Staff members were technicians who worked quietly for the purpose of developing the soldier.

The witness testified that he was informed of the declaration of armed sovereignty through the press announcements and had no knowledge of it beforehand.

The witness was informed of the meeting between Hitler and the commanders-in-chief of the armed forces branches on 5 November 1937 by the Reich Marshal.

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The witness and his associates considered the Czech question essentiall a political one. He had heard of the intention to stage the march into Czechoslovakia in August or September 1938 and he was very surprised at that time because the people had been informed that they could look forward to a long period of peaceful work. They were told, however, that the Czechoslovakian movement would be simply a demonstration, because in all probability the political discussion with Hacha would be successful.

On cross-examination, the witness was asked whether he believed the Czech matter was purely an extortionary one. He replied that he could not have known of this at the time it happened, but that the military leaders considered it a political maneuver which was welcomed by them because it removed some of the hostile pressure against German borders. The witness denied being present in Juedenberg when Hitler told his generals what happened in Czechoslovakia, and testified that he was not informed of the substance of this meeting. He stated that this matter was kept almost as secret as were the preparations for war.

The witness attended the discussion at Salzburg at which the possibilit of war with Poland was discussed. However, though he knew that the troops were alerted to go forward at short notice, he was very much surprised that they were not again recalled as they had been after the previous movements.

At the time of the occupation of Norway and Denmark, the witness was chief of air fleet 2 in the West. He heard of these operations only from the radio and the press. He heard of the occupation of Yugoslavia and Greece also through the public channels of communication and at a time when he was aide to Sperrle.

The witness first heard of the impending conflict with Russia at the time of the announcement which was given by the Fuehrer from Obersalzburg. The witness concerned himself with the question of an invasion of England at the time of Dunkirk or in the days immediately following. His interest in this was purely of a military nature.

The witness attempted to persuade Hitler not to carry out preventive measures against the Italian royal family. In addition he succeeded in saving 100,000 people from misery when he was able to prevent the evacuation of Rome. Furthermore, he made it possible for tens of thousands of Italians to return home when he released the Italian division of Southern Italy.

On cross-examination, the witness testified that the Versailles Treaty, which was a German law and which he had sworn to protect, was violated with respect to the air force. He stated, however, that at that time he was a Major or Lieutenant Colonel and did not have a leading position. In addition, these things were done with the approval of the Government and with the sanction of officials at higher levels. The German leaders believed that over-stepping the Versailles Treaty at this point was correct and necessary because the enemy nations had also violated their agreements. He admitted that he knew that such matters were kept secret, but he repeated that he did not believe he should be made responsible for something which the Government did. He was asked whether he recognized that there was something more important than a written law and whether there was such a thing as a conscience. He replied that he did not think that 4,000 officers of the German army could be held responsible for something which was ordered and approved by the Government. He conceded that he would have preferred these matters to have been carried out differently, but he refused to admit that there was something greater than the oath, something greater than an order. He testified that if he had been ordered to carry out something whic he considered to be criminal, he would have refused and risked the consequences of being shot, rather than carry the burden of such an order on his conscience. He was not willing to pass the entire responsibility for a criminal order on to the higher leadership.

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On cross-examination, the witness was asked whether the secrecy which shrouded the preparation for war prevented him from learning what had happened in Spain in 1936 and 1937. He answered that "the Reich Minister informed us of what happened in Spain" and that he had to participate in certain measures in connection with them. He testified that shortly after the beginning of the Spanish affair, Goering ordered that planes should be transferred to Spain and that men should be released from the armed forces so that they could volunteer to go to Spain. He testified that there were conferences attended only by generals of the air force, but that at one time General Warlimont, who was then in Spain, participated. He went on to say that the air force commanders who participated in this matter were Field Marshal Milch, General Wimmer, General Stumpf and possibly General Witzleben. Goering informed the military leaders that participation in Spain was necessary. Field Marshal Milch also had something to say. In addition, there were some people who came to the conference from Spain. The witness was not willing to deny that something was said with respect to England and France at these meetings, but he could not remember any other subject than that which concerned Spain.

On cross-examination, the witness testified that history for hundreds of years had taught that a nation was better able to achieve its political objectives if it had a strong army with which to back them up. However, the military leaders, prior to the war, believed that the time had come when political discussions were sufficient to ease national hardships such as those imposed upon Germany by the Versailles Treaty. He was asked what the Versailles Treaty had to do with the discussion on Prague and he answered that this territory had been German in about the 15th and 16th centuries. Furthermore, the witness called attention to the fact that the great leaders of enemy countries had agreed upon this matter in Munich and that his personal opinion was of no value. The witness expressed the belief that if there had been a military party in Germany, the military leaders would be properly charged with responsibility, but that in a political dictatorship, military commanders were just pawns. He was asked whether top men in the various fields of national leadership were not like artists in a symphony orchestra, each contributing to the total effect, and he answered that this was true, but he pointed out that a man playing the cello did not suddenly take the baton and direct the orchestra; and that if everyone wanted to become a director there could be no concert.

The witness denied having taken part in any conferences with respect to the invasion of Norway. He remarked that the maintenance of security with regard to this campaign was extremely successful.

3. Obligation and Obedience of a Military Leader to the Head of the State.

The witness stated that the soldiers' oath was the highest human declaration with respect to moral background. The sense of duty inspired by this oath was the influence which kept the soldier in line at times when everything was shaking and breaking about him. The soldiers' oath was the core of soldiership.

4. Military Leaders did not Participate in, nor Condone, Violations of the Rules of War

After the surrender of Italy, ~~there~~ was a noticeable increase in partisan activity. The witness made an unsuccessful attempt to have Rome declared an open city. His request was not answered but he did succeed in having the remaining bridges kept intact. During the retreat that followed, the partisans engaged in measures ~~which were~~ not in accord with international law and which were followed by unpleasant counter-measures by the German forces. Because the witness did not want to see his troops completely demoralized, he ordered certain anti-partisan measures during the time that the German forces were in retreat north of Rome.

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At the outset of partisan warfare, the witness attempted to control this matter by preventive measures. He tried in a religious and political way to end the spreading of hatred. He had the partisan groups watched by agents and attempted to arrest their leaders before an operation. He led the so-called "truce arrests" during the winter of 1943/1944, under which the people convicted of partisan actions were put through regular courts and many of them pardoned by the witness.

As partisan activity increased in size and intensity, the witness placed guards on objectives which were of interest to the enemy. The partisans used every available means of attack from assault to poisoning. The witness saw that the situation was becoming desperate and he observed the intense attitude of hatred and desire for revenge among his soldiers. Therefore, he decreed that anti-partisan action was put within the exclusive jurisdiction of the military. This was done so that he could restore the morale of his troops by showing them that partisan action could be put down within a short time with the expense of a minimum number of casualties.

The witness continued to employ preventive measures, among which were included the closing of strips of land which were tactically unimportant to military traffic, the spreading of a security net over the main thoroughfares and roads, the prohibiting of hitch-hiking, and the making of villages responsible for acts of sabotage.

The witness pointed out that the order which stated that all civilians arrested for having participated in partisan activity were to be sent to concentration camps was enacted with Mussolini's approval. Mussolini approved the deportation of these people to the Reich. The witness made full publication of all orders relating to anti-partisan measures, in order that the population should be deterred from partisan activity.

With the exception of the Dorstler case, the witness knew of no case in which the Commando Order was carried out. He mentioned several instances in which it was not carried out, including the disposal of an Italian commando group of the north wing and instances near Ancona, near Dernoli and near Albenga.

The witness attempted at all times to preserve art treasures for future generations.

The witness testified that he did everything which was possible, in the circumstances, to protect and feed the Italian people. He gave a priority to food trains supplying the city of Rome, which was superior to that of military transportation. He worked against the black market and attempted to restrict unnecessary travel.

The witness denied that during the years 1942, 1943 and 1944, the transfer of a person to the SD meant the murder or killing of that particular person. He testified that he thought that the main reason for such transfers was that the SD had better camps and better interrogation facilities.

He stated that many Germans were killed in anti-partisan activity, ranging from General Krisoli to his private surgeon, and that actually a firm method of dealing with partisans was the best way of preventing the further slaughter of hundreds of thousands of Italians. He did admit, however that under the terrible pressure of circumstances, awful things were bound to happen and that this was a deplorable matter.

On re-direct examination, the witness testified that SD Obersturmbannfuehrer Kappell, who was also Attache with the Embassy in Rome, was not in any way under the jurisdiction of the army. However, one of the tasks of this man was to report to the witness where armed partisan groups were and to arrest, on his own initiative, leaders of the partisan movement.

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On cross-examination, the witness agreed that he would assume responsibility for everything that happened within his command zone, with the exception of criminal activity which was taken against his order. His attention was called to the murder of civilians at Stia Via 137, brought about by the fact that one German soldier was killed. At first the witness could not recollect this individual instance, and then he pointed out that the document said that one or two soldiers were killed and reprisals were carried out far over the usual proportion. He was asked whether this was done to frighten the population, and he answered that it was very difficult to reconstruct things one year after the matter had happened.

On cross-examination, the witness was questioned with respect to his order that the civilian population was to be evacuated from all areas within 30 kilometers of the front-line. It was the witness' recollection that this distance had been reduced to 10 kilometers from the front, and that in the coastal area the order was not carried out at all. The purpose of this procedure was to evacuate the battle areas in order to avoid loss of life.

The witness was questioned with regard to his testimony that by agreement with Mussolini, bandits were placed in collection camps and taken to Germany to work in labor battalions.

He was asked why he should have acted as police custodian for Mussolini who had long been deposed, and he answered that this measure was legal and that the work of Mussolini's Government in Northern Italy was binding upon him.

On re-direct examination, the witness stated that he considered deportation a milder form of punishment than the capital punishment which would ordinarily have been meted out to partisan members.

On cross-examination, the witness was asked why he had accepted the completely unnecessary job of commander-in-chief after the cause had become hopeless and thus brought about the deaths of thousands of Allied and German soldiers. He insisted that he was the man who arranged the surrender of the Italian forces and was one of those who prepared the final German surrender. He referred the prosecuting attorney to the language of his radio message to Eisenhower at the time of the surrender. The prosecutor reminded him that this was a month and a half after he accepted command of the Western army.

5. The Attitude of the Military Leaders to Anti-Jewish Activity Prior to the War

On cross-examination, the witness testified that the German military leaders, as a caste, believed the explanations of the political leaders with respect to the anti-Jewish demonstrations of November 1938. However, he was willing to concede the stupidity of such credulity. He had to admit that none of the Jews opposed the discriminatory treatment of the Jewish people.

II. Evidence of Voluntary or Compulsory Membership

The witness testified that he considered the war lost after the loss of Stalingrad. He was then asked why he had accepted the position of commander-in-chief - west at a time when the cause was even worse. He answered that he had not wanted this assignment and regretted the fact that his name was for all time associated with the complete defeat of the German army. He was asked if he had any idea of how many more men were shot because commanders continued to fight after they considered the matter hopeless. The witness remarked that when Hitler put him in charge of the Western campaign, he (the witness) had just returned from a recuperation furlough and was not personally acquainted with conditions. Hitler told him that the campaign in the West was secondary in importance to that in the East.

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He could not, however, estimate how many men were killed or wounded after this time because no reports were sent to army Hq. from the lower organizations.

The witness denied that he had killed or arrested any officers because they wanted to quit. He admitted that he relieved Vettinghoff and Wolf of their posts in Italy but denied that he had had them arrested. He denied that he opposed the surrender discussions which had been carried out by SS leader Wolf.

The witness mentioned General Hoszbach and General Beck as military leaders who resigned of their own volition. He stated that General von Leeb's retirement was not a retirement of this kind, but that he was retired in order to make room. The witness stated that prior to the war, the generals refrained from retiring because of pride but that during war-time, it was impossible to retire without the Fuehrer's consent. The witness did not believe that there was one leader within the German army who did not at one time or another hand in his resignation. It was not so much a lack of the necessary courage to tell the Nazi Party to do its own dirty work as it was the scruples that a man had with respect to giving up his responsibilities.

Summarized by: J.S. CONWAY

H1094 – 0041

SUMMARY OF EVIDENCE OF

W I L H E L M K I R C H B A U M

WITNESS FOR THE GESTAPO TAKEN BEFORE

A COMMISSION ON

27 JUNE 1946 - TRANSCRIPT PAGES 1911-1923

SUBJECT: Transfer of Members of Secret Military Police Into Security Police, and Tasks and Activities of Secret Military Police

After the First World War, the witness was a police employee, leaving with the rank of Captain in 1922. In 1933, he re-entered the Order Police with the same rank, serving in the office of the Secret State Police in Saxony. In 1936, the witness entered the Field Police as an inspector. He participated in military maneuvers with Field Police Chief of the Army in 1938 and was dismissed after that. On 21 August 1938, he again entered the army. On 1 May 1940, he became commander-in-chief of Military Police in the OKW at Obersalzburg. He held the rank of Colonel from 21 August 1939 until the end of the war. He also acted as Untersturmfuehrer in the SS and was a member of the Party from 1937.

I. Activities Relating to Article 6 of the Charter

1. Transfer of Secret Field Police Units Into the Security Police

As a Field Police commander, the witness was under the jurisdiction of Admiral Canaris in the army High Command. The strength of the Field Police was raised from 3,000 members at the beginning of the war to 11 or 12,000 as the war progressed.

In May 1942, a new higher SS and police leader was created. At this time the Secret Field Police was relieved of many of its duties by the Security Police. The Reichsfuehrer SS required an enlarged police force in France, and he therefore attempted to get the entire Secret Field Police under his jurisdiction there. However, OKW, and especially Admiral Canaris, protested. As a result, Himmler and Keitel arrived at an agreement by which all men from the Secret Field Police who were not actually needed for the army were released. Hence, in France in 1942 a total of about 2500 men were released from the army and then transferred to the Security Police. This verbal agreement between Himmler and Keitel was settled officially through an order of 17 December 1942.

The above transfer was consummated by a group arrangement, that is, the men were moved as a unit. The only individuals excluded were those born in 1917 or earlier. Individuals could not refuse to be transferred. The witness believed that such refusal would have resulted in an army court martial or trial by an SS court after the transfer had in fact already occurred. The groups transferred were usually comprised of about 5 active policemen, 45 officers, about 15 non-commissioned officers, and also a group of auditors, mechanics, and so on. On cross-examination, the witness stated that each group totaled about 100 men. These men were re-grouped by the Security Police. The police heads, for example, were transferred int the Criminal Police of the Gestapo or the SD.

The same type of transfer took place in other occupied countries whereve there was a higher SS and police leader. From 1943 to 1945, 8 groups were

transferred from the Secret Field Police to the Security Police in Belgium, 1 in Serbia, 1 in Denmark, etc. The total number of these so-called "labor recruits" amounted to between 55 and 75 hundred men. As a result, whenever a higher SS and police leader was put in an occupied country, the OKW took all its field police out of the country immediately.

2. Activities of the Secret Field Police

The Secret Field Police was only responsible for areas outside of the Reich. Its work consisted of administration and law. It cooperated with the Security Police and was under the same commander-in-chief of the army. However, there was no organizational or jurisdictional connection between the two.

The prisons in the occupied countries were not under the Secret Field Police but were under the jurisdiction of the military administration. The prisons were divided into two classes: (1) military prisons, which existed on a temporary basis, and (2) prisons which had already existed in the occupied zone. All were under the jurisdiction of the Military Governor, and the military commander of each area provided administration and guarding units for the prisons.

After 1942 an agreement was reached wherein the Secret Field Police no longer had jurisdiction regarding civilian matters, but only concerned itself with violations of military law. If a civilian matter was involved, the offender was then transferred to the Security Police.

The German Secret Field Police force had been originally organized as the counter-intelligence unit of the German army. However, after the higher SS and police leader was named, these units worked with the Security Police, but only with reference to military matters.

The witness testified that the Secret Field Police was not connected in any way with the deportation of Jews.

Summarized by: D.M. HUNT

H1094 – 0042

H1094 - 0043

SUMMARY OF EVIDENCE OF FRIEDRICH KLAEHN

WITNESS FOR THE S.A. ORGANIZATION TAKEN

BEFORE A COMMISSION ON 13 JUNE 1946 AND

8 JULY 1946

TRANSCRIPT PAGES 931-945 AND

Miss Alexander

SUBJECT: "Der S.A. Mann".

Witness was a member of the S.A. from August 1930, and from 1935 was chief of office on literature and publications of the S.A. (Page 932).

I. Knowledge of Criminal Activities.

1. Politics.

The "S.A. Mann" contained seven articles, on various dates from June 1934 to December 1937, recording the revision of the Versailles Treaty which had been achieved by the freeing of the Rhineland, and the diminishing of the war tributes, and the establishment of good German-Polish relations, and the return to Germany of the Saar, and the Anglo-German Naval Agreement, and the Four Years Plan; and recording the German right to colonies.

The "S.A. Mann" also devoted pages to the subject of re-arming with motor-cycles, and to reprints from half-military publications which could be bought in the bookshops. These were not of any interest to the S.A. leadership, but were thought by the Editors to be popular amongst the S.A., and the witness states that the individual officers of the S.A. supreme leadership did not have any influence on the political contents of the "S.A. Mann". Between 1935 and 1939 he repeatedly tried to gain control of the "S.A. Mann", and was supported in these attempts by the S.A. leadership. However, all these attempts failed, due to the opposition of the editors and the publishers of the "S.A. Mann" (Page 934), yet in cross-examination, he admits that the "S.A. Mann" was published by the official publishing house of the Party and bore under the title the words "the official publication of the S.A.", which he explains by saying that that was the intention, but it was not so in practice, and the words could not have been left out without causing the suppression of the paper earlier than it in fact took place.

2. Jews.

Articles in the "S.A. Mann" on the Jewish question, published between February and July 1935 were not according to the witness sponsored by the S.A. leadership, who had in fact refused such articles because they were not in accordance with the party program. The S.A. leadership were never in favor of extermination of the Jews, but were in favor of the prevention of the intervention of the Jews in the cultural life and economic system of Germany.

3. Preparation for a War of Aggression.

The articles in the "S.A. Mann" referred to in Document PS 3050 were according to the witness taken from German and foreign newspapers, and were accurate news. One, called "Czech Terror and German need in Czechoslovakia", he says is simply a factual report of German need in the Sudetenland. And they were all, according to him, published not at the request of the S.A. leadership but by the desire of the Editors.

4. Churches.

The S.A. leadership, says the witness, remained away from any struggle against the denominations.

H1094 - 0044

5. Ideology.

The writings of Rosenberg and the master-race theory of Himmler were not accepted by the S.A. Nor were "Der Stuermer" or the "Fight" publications read by the S.A. Ideology was a sector of the S.A. training service, which comprised education to community, then to patriotism, and to a decent way of life, and to knowledge of and following the Party program. There were 10 to 12 hours annually allowed for this training. Mein Kampf did not form, in all parts, a basis for training. Thematerial pertaining to exterior policies was not used because they might have been, and were, subject to changes. The "S.A. Fuehrer" was an internal paper of theS.A., which was also used for the training of S.A. Leaders. It contained articles by military men but the S.A. was not, says the witness, trained for warlike purposes.

6. S.A. Reitercorps.

In cross-examination witness said that certain articles in the "S.A. Fuehrer" in 1936 were written by an S.A. fuehrer, a former Austrian Captain of cavalry and witness accepted them because all problems pertaining to the S.A. Reitercorps were unsolved, but they were not taken seriously and were only published in order to provoke discussion. Witness could believe that these articles were a complete misrepresentation of S.A. Reitercorps policy, but he did not know that when he published them.

The order which prevented the further appearance of the "S.A. Mann" originated directly from Adolf Hitler and stated that the "S.A. Mann" was suspended because it had repeatedly violated the regulations of the Nazi press (Page 935).

Summarized by: I. D. McIlwraith

This summary is to be substituted for the former summary distributed on this witness.

H1094 – 0045

SUMMARY OF EVIDENCE OF HELMUTH KLUCK

WITNESS FOR THE S.S. ORGANIZATION

TAKEN BEFORE A COMMISSION ON

25 JUNE 1946 TRANSCRIPT PAGES 1789 TO 1803

SUBJECT: Tasks and Objectives of the S.S. in the Free State of Danzig.

Witness was a doctor who worked in the Health Department at Danzig. In 1933 he was designated a Sturmfuehrer doctor in the S.S., which was of equal rank to the title he had held in the Government as Medical Commissar since 1925. In 1935 he was promoted to the position of SS Standartenfuehrer in order to bring his SS rank to the level of his position as Senator in Danzig. In 1936 he resigned his political position and immediately he was demoted to the status of a simple SS man. (pp. 1789, 1791)

I. Activities Relating to Article 6 of the Charter

1. Status of the SS Organization in Danzig

The full sovereignty of the State in Danzig lay wholly within the hands of a Senate composed of a President and a number of paid and unpaid Senators who were elected. These were supervised by a High Commissioner and by the League of Nations and also by a general Commissioner of Police. The NSDAP and the SS in Danzig were the same as they were in Germany. However, because of the supreme primacy of the Constitution in Danzig, this organization was in a more subordinate position than in Germany. Witness testified that he entered the SS not for any ideological reasons but because he thought, thus, to retain his position as Government Medical Commissar. However, during his time in the SS organization he was sure that it had no secret political aims. Its slogan was to cultivate among the inhabitants of Danzig a strong desire to retain their German heritage. There was no aim within the organization to bring about a forcible annexation of Danzig to the German Reich. Most of the members were convinced of the validity and good faith of the friendship pact between Germany and Poland entered into between Germany and Poland in 1934. (p. 1791)

The SS organization in Danzig had no secret radio stations and no defense Army nor did it indulge in any 5th column activities. He testified that there were in the area of Danzig about 6 to 800 SS men. (p. 1792)

The witness himself was on friendly terms with the High Commissioner of the League of Nations residing at Danzig and the High Commissioner of Poland, both of whom were well aware that he was a member of the SS organization. (p. 1792)

When the witness left the SS, it was not because he had detected any criminal activities but because he could not find himself in agreement with the internal politics of the Party. (p. 1793)

From his experience in the SS he did not believe that this organization during the time of his membership presented any criminal aims or tendencies. The crimes which were later committed must have resulted from deviation from the original objectives of the SS organization. Prior to 1936 there had not occurred in Danzig any Jewish pogrom and the Nurnberg Law was not in effect there. The witness expressed the opinion that it was only small circles which had any part in the crimes. The ordinary people were not well informed and from all the information that was available to them could not possibly conclude that anti-semitism would take an aggressive, bestial or active character. (p. 1796)

On cross examination the witness was asked whether the terror reign of the Party and the anti-semitic methods it sponsored were generally known. He believed that they were. He was then asked whether the principle agencies responsible for this reign of terror were not the Gestapo, the SS and the SD, and he answered that he thought that most of the ordinary people suffered more from the oppression of the political leaders. The witness admitted that the specter of the Gestapo loomed before them whenever they got into trouble. (pp. 1798, 1799)

II. Evidence of Voluntary or Compulsory Membership

The witness testified that in his case in Danzig he was able to leave the SS without serious consequences to himself. His withdrawal followed shortly after that of his Chief, Rauschning, who also resigned because he could not agree with Party policy. He expressed the opinion that in Germany the consequences of such a withdrawal might have been more serious. As a citizen of the free state of Danzig, he was able to emigrate to South America, which he could not have done from Germany. He believed that an attempt to withdraw on his own motion in Germany would have ruined his career and jeopardized his family. He also thought that he would have been sent to a concentration camp. (pp. 1792 to 1795)

III. Knowledge of Criminal Activities

When the witness went to South America after having withdrawn from political and Party life in Danzig, he was amazed and impressed at the amount of knowledge, which people in America had of what was going on inside Germany. People in the Western Hemisphere knew more of events in Germany than did people in Germany itself. Accordingly, when he returned to Germany in 1940 and again experienced how little the German people knew of that which was going on in their own country, he attempted to explain things to them but no one would listen to him. (p. 1794)

The witness stated that he had a number of acquaintances in Berlin who were particularly opposed to the Party and its policies. (p. 1795)

H1094 - 0046

HELMUTH KLUCK, a Witness for the S.S., Gave the Following Testimony Regarding the Political Leadership Corps

Responsibility of the Political Leaders for the Terrorizing Influence of Political Leaders

On cross examination the witness expressed his opinion that the small people suffered more from the oppression of the political leaders than they did under any rule of terror by the Gestapo, the SS and the SD. He was asked for information as to just how and to what extent the Ortsgruppenleiters, the Zellenleiters and the Blockleiters terrorized the people. He stated that the terror within the system itself lay chiefly in the fact that the political power had been placed within the hands of a few. All Civil Service appointments had to have the approval of the Ortsgruppenleiter, concerning not only the ability of the candidate but also his political attitude. A job holder might lose his job if it came to the attention of the local Block or Zellenleiters, if he were not in sympathy with the Party Program, and in any event he would have certain difficulties. The witness expressed the opinion, however, that any political system which employed people wished its employees to agree with its policy. Blockleiters, Zellenleiters and Ortsgruppenleiters influenced the people towards adherence to the Nazi Program by means of convincing and persuading and sometimes this was done by force. The degree of force exerted depended on the locality, circumstances and the personalities involved. The witness stated that he was acquainted with the general fear of the people to be given a bad name or reputation. Questioned further for specific examples of the use of force, he stated the case of a leader in his neighborhood who was arrested by order of the Ortsgruppenleiter because she had stated that the war would probably be lost. Four months after her arrest he investigated and found that she had not returned to her home. He did not know whether she was arrested by the Gestapo or was put into a concentration camp. The witness was examined with respect to the above testimony by the Counsel for the Political Leadership Corps. In response to the questioning of this attorney, the witness stated that the political leaders below the rank of Ortsgruppenleiter were poor individuals who did nothing but run around from morning until night doing such menial tasks as distributing cards, etc. (pp. 1799, 1800 to 1803)

Summarized by:

J. S. CONWAY

H1094 - 0047

H1094 – 0048

W.S. Alexander

SUMMARY OF EVIDENCE OF PAUL KOPPE

WITNESS FOR THE CORPS OF POLITICAL LEADERS

TAKEN BEFORE A COMMISSION ON

17 JUNE 1946 TRANSCRIPT PAGES 1000 TO 1021

SUBJECT: Functions of the Office of Community Policy—Non-Participation in Party Decisions.

Witness joined the Party on May 1, 1933 in the hope that it would lead Germany out of economic misery. He had not been a member of any political party prior to that time. He became a Hauptamtsleiter official of the Gauamtsleiter Party for the communal policy on January 1, 1944 and held this office until the end of the war. He served in this capacity at Bochum and later at Herne. (pp. 1000, 1001)

I. Activities Relating to Article 6 of the Charter

1. Structure, Function, and Position within the Party of the Office for Community Policy

The witness served under the Lord Mayor of Herne who was at the same time Gauamtsleiter for Community Policy. (p. 1001)

With the Reichsleiter, the supreme officer of the Nazi Party, there was a Hauptamt or main office for Community Policy. This office was headed by a Gauamtsleiter who had five assistants. The functions of the assistants were respectively: the director of the office; management of matters relating to structure; settlements and colonies; culture, training and legal affairs; questions of relief workers and civil servants; and the administration of community plants. (p. 1002)

In disciplinary matters the Gauamtsleiter and his assistants were subordinate to the Gauleiter; however, they received their professional instructions direct from the Hauptamt for Community Policy in the Office of the Reichsleiter. A Hauptstellenleiter did not have any staff of assistance. (p. 1002)

On the level of the Kreis there was a Kreisamtsleiter for Community Policy who was subordinate to the Kreisleiter in disciplinary matters but received his working orders from the Gauamtsleiter for Community Policy. Kreisamtsleiters for Community Policy were also just one main office. There was no office for Community Policy on the Ortsgruppe level. (pp. 1002, 1003)

The Gauamtsleiter for Community Policy was concerned with the self-governed tasks of his community, such as buildings, community legal matters, culture, the theater, relief, Civil Service, and economic questions. As a practical matter, he was mainly concerned with the questions of salary, training, instructions and administrative procedure. Hauptstellenleiters were professional advisors of the Gauamtsleiters. They did not communicate with higher or lower Party officials unless they received a special order. (p. 1003)

Leiters of the Office of Community Policy participated in the staff meetings of the Gauleiter every month or every second month. (p. 1003)

Under a law called the Gau Community Regulation the Gauleiter issued orders to the Gauamtsleiter, with respect to filling high vacancies in community organizations. The Gauamtsleiter had the duty to see to it that the person suggested to fill a vacancy should have the right professional qualifications and training. (pp. 1003, 1004)

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The Office for Community Policy had no connection with other organizations, such as the SS or the German Labor Front. (p. 1004)

The witness was not acquainted with the Organization Book. He did not believe that this book was a definite yard stick for Party practices because if it had been it would have been known by Party officials. He disagreed with the book insofar as the [illegible] the Amtsstellenleiters were set forth in the book as political leaders. These officials had nothing to do with politics in the technical sense of the word. It would have been more accurate to have called them professional advisors and it would have been preferable to have called their office the "Office for Community Matters" instead of the "Office for Community Policy". The office was a professional rather than a political one. (pp. 1004, 1005)

On cross examination the witness testified that matters pertaining to the community were the proper concern of the Office for Community Policy. These matters were not directly under the authority of the Gauleiter but were subordinate to the Government President, to the Government Minister and to the Ministry of the Interior. They were administered by the Lord Mayor in the cities and by the Landrat rurally. The Party representative had the right to suggest names for the positions of the leading communal officials, such as the Mayor and similar positions, and the witness admitted that the Gauleiters' right to recommend appointments in local Government was instituted so that the Gauleiter might have an influence in local Government but he stressed the fact that the Gauamtsleiter had the duty to see to it that the person recommended should have the proper professional qualifications. (pp. 1016 to 1018)

2. Anti-Church Activities

The witness knew a number of political leaders who belonged to the Christian Church. He testified that the political leaders did not receive from the Gauleiter, the Kreisleiter or the Ortsgruppenleiter instructions to leave the church. (p. 1005)

The witness was unacquainted with the anti-church opinions of high Party leaders, such as was expressed in the letter from Reichsleiter Bormann to all Gauleiters in 1941, Document D-75, in which it was stated that National Socialism and Christianity were incompatible. Although he was informed that there was a possibility that Bormann's letter, in its main contents, had been disseminated among Gauleiters and Kreisleiters, the witness denied that any such opinion had reached officials in his department. As a matter of fact, they awaited in vain an instruction or regulation in this matter. Anything that they learned with respect to confiscation of church property and arrests of churchmen came to them through the press. (pp. 1009, 1010)

3. Attitude of Political Leaders toward the Nazi Party Program and Activities

The witness testified that the point in the Nazi Party Program which demanded the union of all Germans was expressive of a desire of the people, both of Austria and the Sudeten land, to join Germany. He stated that the part of the program which demanded colonies to take care of surplus population was not interpreted as a plan for conquest of foreign territory but as stating an objective to get back colonies by means of negotiations. (pp. 1005, 1006)

The point in the Party Program which stated that only people of German faith could be Germans and which excluded Jews from this category, was explained to the leaders of the professional offices as authorizing a restriction of the influence of Jewish fellow citizens in proportion to their numbers. It was stated that this would be accomplished in a humane and legal manner. The leaders of the offices for Community Policy had nothing to do with acts of discrimination and persecution against

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Jewish citizens. Indeed, they learned of these actions only through the press and through observation. They never knew of these measures ahead of time. (p. 1007)

c. The witness and his associates did not consider the transformation of the German Army from a mercenary troop into a people's Army as a step towards aggressive war. They had before them the example of Switzerland which had a people's Army but had never waged aggressive war. (p. 1007)

The leaders of the professional offices in the staff of the Gauleiter or Kreisleiter and particularly those in the Office for Community Policy did not know of any plan for aggressive war. They were very much surprised by the outbreak of war. (p. 1006)

Officials in the Office for Community Policy had very little influence over future legislation. They could make suggestions of a purely professional nature which were then forwarded through Party channels to the Ministry of State. Their influence was limited to such matters as salary of candidates for a military career, and the training regulations for candidates for a community Civil Service. (p. 1009)

4. Dissolution of Trade Unions

The Office for Community Policy had no part in the destruction of the free trade unions. This measure was performed by Ley who instructed one labor union for all. (p. 1010)

5. Spoliation of Objects of Art

The officials from the Office for Community Policy had nothing to do with the purpose and function of Einsatztab Rosenberg in taking the art treasures from the occupied territories. (pp. 1010, 1011)

6. Mistreatment of Allied Fliers

The witness knew the contents of a letter by Bormann, Document P.S. 157, dated May 30, 1944, which stated a policy of not punishing those who participated in the lynching of Allied fliers. He came upon this information through channels other than the official sources of the Office for Community Policy. He pointed out that from the distribution key of this letter it could be seen that the Gauamtsleiters were not supposed to know of it. The leaders of the Professional Office had no instructions regarding the treatment of enemy aviators and they took no part in their mistreatment. (pp. 1011, 1012)

7. Mercy Killings

The witness did not know of the instructions given by Hitler to Reichsleiter Bouhler and Dr. Brandt, which authorized mercy killings under certain conditions. This letter was cited on page 1423 of the German transcript of testimony before the Tribunal. Witness stated that he was a soldier from beginning of the war until 1942 and that after his return he never discussed the matter of mercy killings with anyone. (p. 1012)

8. Authority, Responsibility and Duties of Block-leiters and Zellenleiters

Although the witness had never been a Blockleiter or a Zellen-leiter, he was allowed to testify with respect to the tasks of these Party officials. The gist of his testimony was that they performed unimportant, purely administrative duties and were considered in the category of bank messengers. They did not engage in the persecution of people within their districts and they could not have kept the confidence of their people if they had spied upon them. Block and

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Zellenleiters had no leadership authority and they were inferior in privilege and power to the staff members of the Ortsgruppenleiter. (pp. 1012 to 1015)

The witness was cross examined with respect to the participation of Blockleiters and Zellenleiters in Jew-baiting activities. An excerpt was read to him from P.S. 374, U.S. 729, which was a letter by the Propaganda Leiter to all Kreisleiters and which directed that the Ortsgruppenleiters should form a district committee. It was suggested to the witness that the Ortsgruppenleiter certainly would appoint his Zellenleiters and Blockleiters to this committee. The witness responded that he could not authoritatively answer this question because he had never been a Blockleiter or Zellenleiter but that these officials within his district did not participate in these activities and that those Blockleiters who sought his advice when he was Personnel Director of the city after the year 1936 never informed him of any such activities on their part. (pp. 1019, 1020)

II. Evidence of Voluntary or Compulsory Membership

Without a very good reason, such as illness or overwork, no one within the Party could refuse an office. Generally it was expected that a Party member would join his professional organization, such as the German Labor Front or the German Association of Civil Service. However, membership in an organization, such as the SA, the SS or the Hitler Youth, was voluntary. (pp. 1001, 1002)

Usually it was not permitted to give up a political office because of an unwillingness to share the views of the Nazi Party. Such an action would have been followed by certain political consequences, among which was expulsion from the Nazi Party. In the event that a Civil Servant was expelled from the Party for refusal to accept a political office or because he wished to retire from such an office, the Civil Servant lost his position, his salary and his pension claims, and his family was placed in serious distress. (pp. 1001, 1002)

Summarized by:

J. S. CONWAY

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SUMMARY OF EVIDENCE OF HANS JOCHEN KUBITZ WITNESS

FOR THE SS ORGANIZATION TAKEN BEFORE

A COMMISSION ON 1 JULY 1946

TRANSCRIPT PAGES

SUBJECT: Mission of the Volksdeutsche Mittelstelle (V.D.M.S. – Agency for Funds for Racial Germans).

In 1937 the witness became a lawyer in the Volksdeutsche Mittelstelle (V.D.M.S.) and in 1938 received the rank of SS Untersturmfuehrer. In 1942 he was made Chief Referat and received the title Sturmbannfuehrer.

I. Activities Relating to Article 6 of the Charter

1. Tasks and Activities of the V.D.M.S.

In 1939 the V.D.M.S was given the job of returning Germans who had been living abroad. The V.D.M.S. was a Supreme Reich's Office and not a Nazi organization. The first resettlement under this program started in September of that year and consisted of an exchange of persons with the Russians in Poland. This was carried out upon the suggestion of the Soviet Government. The second resettlement was that of the Northern Baltic Nations, Lithuania and Estonia, which were resettled according to the decree given in a speech by Hitler on 6 October 1939, which delineated a line running through Poland and Lithuania, on one side of which would be all Germans and all Russians on the other side. The witness was in charge of this second resettlement.

It was not intended as was suggested by the prosecution in its interpretation of Document U.S. 305, that persons brought back to Germany should again return to the areas from which they came, after the German Army should have occupied those areas. Most of the resettlements were carried out under official agreements between Russia and Germany whereby each resettled its own nationals who had been living in the territory of the other. The resettlements were carried out by German – Russian Commissions which worked on both sides of the border. To be eligible for this plan an individual had to prove German nationality by presenting documents to a German – Soviet Commission and securing its approval.

It was not true, as was maintained by the prosecution, that the SS by means of the Control Office for Funds for German Minorities took part in a discussion on July 4, 1942, which is referred to in Exhibit R 114, regarding the resettlement of people living in Alsace. The Control Office for Funds for German Minorities had only to do with Germans living abroad. Alsace and Lorraine were administered by the so called Chief of Civil Administration, which was an office similar to that of Gauleiter.

On cross examination witness stated that he did not believe that the German march into Czechoslovakia was in any way aided by Fifth Column activity but that in its first phase it was the result of an agreement between four foreign ministers and in its later phase was based on a desire by the President of the Czechoslovakian State that Hitler should send in his troops in order to guard the Protectorate.

The witness did not know of the presence of Ribbentrop at a meeting between Hitler and Henlein in March 1938, at which Henlein was given

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instructions for the Sudeten German Party, but insisted that if Henlein were present it was not as a member of the V.D.M.S. but as the holder of a special mission from Hitler. The V.D.M.S. did not finance Henlein but, in its capacity as supervisor of the Foreign Exchange Budget, it had to be informed of any transfer of foreign exchange.

If any money was given to the Sudeten German Party, the following procedure was followed. At first, there was an estimate of the budget necessary for the fiscal year which was submitted to the Ministries of Finance of Germany and of Czechoslovakia. These then named a certain sum within the scope of which payments could be made. After approval by the Ministry of Finance, this budget was sent to the V.D.M.S., which classified it under different items for different purposes and secured the money from organizations such as the Gustav-Adolph Organization which would be interested in subsidizing the various purposes. The sum so collected was then transferred to the account of the Czech National Bank. Henlein was able to secure this money from that bank. If other parties gave money to Henlein, the V.D.M.S. knew nothing of it. After 1938 the Schuleverein Sud-Mark was the channel through which the payments were made.

The Germans came to Germany by reason of State Treaties with other nations, especially with Soviet Russia, and were placed in camps in Germany. They numbered about 1,000,000 people. The Volksdeutsche Mittelstelle was not concerned with the settlement question itself but only with the transportation of these people to the camps. However, the witness did know that only about 300,000 of the 1,000,000 were placed on property that had an equivalent value to that from which they had been taken. The rest were put to work in war industries or on farms.

The witness, on cross examination, denied that Himmler was selected for his position as trustee of the V.D.M.S. because he was head of an organization (the SS) which was trained to persecute other races and to enable Germans to enjoy the fruits of that persecution. The five or six instructions which Himmler issued in his capacity as Reichskommissar for The Strengthening of Germanism to the V.D.M.S. concerned only the carrying out of the resettlement of Germans under international treaties. It was clear that he did not act as SS Fuehrer in this matter or he would have made use of his SS offices in which there were several departments, for example, the Wirtschaft und Verwaltungshauptamt (Economic and Administration Main Office and the Rasse and Siedlungshauptamt Main Office for Racial and Resettlement Policy), which were suited for such a purpose.

In addition to the supplying of funds for the repatriation of German nationals, the agency supplied funds to German minority groups in European countries outside of Germany. These organizations came within the protection of the Minorities Protectorate Treaties and were recognized in Hague and Geneva. The V.D.M.S. did not concern itself with the racial question but merely with the supplying of the funds whereby these groups could pursue their cultural and religious activities. No propaganda of a political nature was transmitted by the V.D.M.S. to the German minorities. Members of German minorities could not use Nazi names for their organizations and it was forbidden to supply them with political pamphlets or books.

Funds were delivered to the minorities by the V.D.M.S. through the medium of the Reichsbank which used a correspondent bank at the locale of the minority group outside of Germany. From the founding of the V.D.M.S. until the outbreak of war in 1939 the annual figure transferred to the German racial groups was between 2 and 3,000,000 marks. These amounts varied depending to a great extent on the amount of money a foreign state was, in turn, willing to transfer to its minorities in Germany.

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The witness denied the assertion of the prosecutor, based on Document U.S.A. 95, that the V.D.M.S. had a hand in preparing the occupation of the Czechoslovakian State. Lorenz, who was head of the V.D.M.S. at the time of the meeting mentioned in the document, was acting as if on a special mission for Hitler and not as an official of the V.D.M.S. Professor Haushofer, the other man mentioned in this document, was never a member of the V.D.M.S.

Witness divided the work of the V.D.M.S. into two main but distinct parts. The first was directly subordinate to Hitler, by means of a special assignment which ran directly from Hitler to Lorenz, over which Himmler had no influence. In this section were Lorenz and his legal administrator and six other people who were not SS members. At the end of 1938 they were given honorary SS ranks according to the position they held in the V.D.M.S. The second section, which concerned itself with the handling of funds for cultural and church purposes and for resettlement, had about 14,000 people. About 7,000 of these had to wear uniforms because resettlement work was supposed to be carried out by uniform personnel. About 200 SS people worked in this commission and, in addition, another 600 were drafted into the Waffen-SS and placed on the staff of the Main Office of the V.D.M.S.

II. Evidence of Voluntary or Compulsory Membership

Witness received an honorary membership in the SS which came to him by reason of his position as Director of the V.D.M.S. in its German-Polish activities. This honorary membership was the usual type of SS membership within the V.D.M.S. and hardly any of these honorary SS leaders applied for rank or membership. It was understood that if a V.D.M.S. executive left his office he would lose his SS membership. Eight hundred of the 1400 employees of the V.D.M.S. were SS members. Of these 800, approximately 600 became members while they were at work on the commission which in cooperation with a Russian Commission was arranging for the resettlement of German nationals from Russia to Germany. These 600 wore SS uniforms without rank insignia on this work because the Russian authorities insisted that they be uniform. When they returned from their work on this commission, the 600 learned that they had been drafted and they were then inducted into the Waffen-SS. This took place in 1940. The witness was reminded of the fact that up through the year 1940 only volunteers were taken into the Waffen-SS. On redirect examination the witness explained that he did not mean that all 600 of these men were drafted in the year 1940 but that they were drafted over the period from 1940 until the end of the war.

III. Knowledge of Criminal Activities

The Volksdeutsche Mittelstelle played no part in the extermination of the Jews. The witness' agency even resettled full-blooded Jews in the course of their program. He believed that Himmler's policy was to employ Jews in a relationship which corresponded to the index of their population and to decrease the disproportionately large influence which they had exerted prior to 1933. Up until the end of the war he had not heard a single word concerning the murder of 6,000,000 Jews. He did not believe that the SS was responsible for these murders but that other people had done it. He insisted that the V.D.M.S. was a Supreme Reich's Office which had nothing to do with the Nazis.

Summarized by: J. S CONWAY

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SUMMARY OF EVIDENCE OF

R U D O L F K U E H N

WITNESS FOR THE CORPS OF POLITICAL LEADERS

TAKEN BEFORE A COMMISSION ON

10 JULY 1946 - TRANSCRIPT PAGES 2739-2759

SUBJECT: Unimportance and Non-Criminal Nature of Duties of Minor Political Officials of the Nazi Party

The witness was a high counsel of the law court for 15 years. He joined the Nazi Party in May 1933 in the belief that Hitler might succeed in overcoming the internal dissention which was bringing economic doom on Germany. From 1933 to 1935 he was a Blockleiter in Rostock and from 1935 to 1945 held the same position in Berlin. (P. 2739).

I. Activities Relating to Article 6 of the Charter

1. The Political Leadership Corps did not Constitute a Formal Organization

The political leaders did not constitute a separate organization in itself with separate aims, such as the SA or the SS. They were merely officials of an organization - the Nazi Party. When a Block or Zellenleiter moved from his district, he stopped being a political leader. There was no necessity for his formal withdrawal. (P. 2747).

2. Functions of Block and Zellenleiters in the National Socialist Political Picture

The witness testified that he was able to give information concerning 150 to 200 Block and Zellenleiters. (P. 2740).

The witness was never made a political leader in the prescribed way, which was by appointment of the Kreisleiter, but fulfilled the office of Blockleiter for 12 years. He stated that prior to appointment to a position as a political official, the person had to serve for a period of probation, which was theoretically 3 months in length but which generally lasted much longer, and he had to furnish proof of Aryan descent from the year 1800. It was because of failure to fulfil these requirements that 80 to 90% of all Blockleiters, and the witness among this majority, never received formal appointments. (P. 2740).

The main tasks of the Blockleiter were of an insignificant and subordinate character. He had to collect contributions from Party members, hand out propaganda material, sell tickets for Party affairs, establish a file of persons within his district, and deal with general collections, such as those for the Winter Help Fund and the collection of waste paper. Blockleiters in Berlin were commonly called "dogs who were always about the staircase". (P. 2742).

Blockleiters were not capable of influencing or supervizing people in a political way. They had no more knowledge of the aims of the Party leaders than had the rest of the German people. They had no special information with respect to broad policies or international affairs. The political opinions of the people were influenced within the party by those which came from the Ortsgruppenleiter and by specially trained orators. In the witness' district it was forbidden that a Blockleiter should even circulate an announcement with respect to the time and place of

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meetings. In the municipal districts particularly, the connection between the Blockleiters and people within their districts was very weak. (P. 2743)

The witness had not even a personal acquaintance with a large number of citizens within his own district. He remembered a case in his block in which a man was tried and sentenced for high treason, and no Government office even thought him sufficiently important to inform concerning this incident. (P. 2743).

The witness denied that page 101 of the Organizational Charter (1893-PS) was correct in its description of the activity of the Blockleiters in reporting persons who started rumors. The Blockleiters were instructed to stamp out such stories rather than to emphasize them. In the witness' experience in the Ministry of Justice, he learnt that trials against persons who spread rumors or uttered disloyalties to leaders of the state or the Party were generally initiated on the basis of reports from foreign workers to whom the defendant made certain statements, and not as a result of reports by the lower echelons of political leaders. (P. 2745).

Zellenleiters reported montly on the mood of the population within the district. These reports were in the nature of general ones and did not denounce individual citizens. They dealt with such matters as public reaction to an event or a speech by a Party leader. (Pp. 2745-2746).

With respect to the statement in the Organizational Charter that Block and Zellenleiters were Hoheitstraeger (bearers of the sovereignty), the witness testified that if it was known to the lesser leaders that there existed an Organizational Charter, they did not know of its contents, and that Block and Zellenleiters had no sovereign rights. Indeed, they had no more rights in the political sense than the private citizen and most of them did not even know that they were called Hoheitstraeger. These lower political leaders had no right to give definite orders, and it was the witness' belief that nobody below the rank of Ortsgruppenleiter could be called a Hoheitstraeger. (P. 2746).

On cross-examination, the witness was questioned with respect to his contention that no tasks involving any discretion were given to the Blockleiters. He admitted that Blockleiters assisted the Ortsgruppenleiter in influencing political judgments of the people, but he stated that their activities were confined to reporting factual data, such as the family situation, the economic situation, and the political prominence of an individual. He admitted that they reported whether an individual subscribed to Nazi publications or not, but he stated that in his district they did not check up to see whether each family possessed the swastika in compliance with the 1933 flag law. In Berlin there was no requirement that Blockleiters report whether a family owned a radio or not. The witness denied that such information was gathered by indirect methods, but stated that it was acquired from each individual in direct question and answer fashion. He was shown paragraph 14 of document D901A in which there was a prohibition against having the citizens fill in the information themselves on lists or index cards, and a direction that the information should be acquired through frequent visits to the family. The witness again emphasized the fact that in the large cities the degree of acquaintance between the Blockleiter and the people in his district was very slight. (Pp. 2752-2755).

On cross-examination, the witness again denied that the Blockleiters were called upon to act as informers or spies. With respect to this contention, he was shown D 901, page 1, a letter from the Ortsgruppenleiter of Darmstadt which said that a Blockleiter had informed him of certain church meetings which were taking place in his district. The witness stated that it was no concern of a Blockleiter what church meetings were taking place in his district, and that to his knowledge Blockleiters made no such reports. (P. 2756).

The witness was unable to answer what would have happened to a person or group who was reported in this fashion because he did not know enough about a particular case. He admitted that it was the usual procedure that the Gestapo should be brought in in order to supervize church activities, but he insisted that this was none of the business of the lower political leaders. His attention was then called to the second letter in document D 901 which said that the Ortsgruppenleiter was recommending that the confessional Pastor Strack should be rapped on the knuckles. He was also shown paragraph 2 of a letter marked "Comments made by the Kreisleiter" which stated that the priest Strack was ripe for the concentration camp or special court. He was then asked what he meant by telling the Commission that political leaders had nothing to do with the Gestapo. He answered that he was only referring to Block and Zellenleiters, and his attention was directed to paragraph 1 of the same letter in which the Kreisleiter commented on the report which his Blockleiter made and said "The SD, the Gestapo and the Ortsgruppenleiters will be instructed by me". The witness was asked whether he wanted the Commission to believe that the Ortsgruppenleiter would not be instructed by the Kreisleiter in the matter. The witness answered that the document did not say that the original report came to the Ortsgruppenleiter from the Blockleiter, and he could not say whether the Blockleiter in this case was informed. He could only repeat that on the basis of his knowledge, neither Block nor Zellenleiters were concerned with these matters. The witness was shown once more the statement in the first document which said "The Blockleiter and Party member Kiel inform me that meetings of the confessional front are again taking place". The witness thought the explanation for this was that this particular Blockleiter was making a report in his capacity as house superintendant, rather than in his capacity as Blockleiter. (Pp. 2756-2758).

On cross-examination, the witness admitted that Jews were persecuted in Berlin, that foreign laborers were employed there, and that people were taken from Berlin and put into concentration camps, one of which, Oranienburg, was only 35 miles from the city. (P. 2759).

He admitted that Block and Zellenleiters performed an essential function in support of a Party which was responsible for the persecution of Jews, the taking of people from their homes and putting them in concentration camps, and the employment of foreign labor. The witness insisted, however, that the part which the Block and Zellenleiters played was an administrative and not a political function, and had no connection with the injustices mentioned. (P. 2759).

3. The Lower Party Officials did not Participate in the Nazi Conspiracy

Block and Zellenleiters took no part in any common plan or conspiracy to disturb the peace of the world. The witness stated that the aims of the political leadership corps could not have been part of a conspiracy because they were not kept secret, nor were they executed by force or by false pretenses. If the supreme command had had aims which it wanted kept secret, those aims never became known to the lower political leaders and these men cannot be held responsible for them. Witness stated that the majority of the Block and Zellenleiters could not have participated in a program which they were aware would lead to war because they entered the Nazi Party only after its ascendancy and many had opposed it during its climb to power. For the alleged conspiracy of strengthening the party by crushing trade unions, fighting the church and exterminating Jews, the Block and Zellenleiters bore no responsibility because they had no part either in the official Government or in the real Government. On the contrary, these unimportant leaders belonged to the great majority of Party members of whom the American Chief Prosecutor had said that they came into the hands of criminals and had been used by the criminals. These lower leaders had no part in the crushing of trade unions, in the persecution of the church, or in the extermination of Jews and they knew nothing of these measures. (Pp. 2748-2749; 2757).

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II. Evidence of Voluntary or Compulsory Membership

The witness stated that he was appointed Blockleiter in Rostock in the autumn of 1933 after the Block trustee came to him and told him that a new Party member (Mazgefallenor) had to take an active part in Party work. A Party member was under obligation to take over any Party office which was offered to him, unless he could show sufficient reasons for refusing. To do otherwise meant expulsion from the Party. The counsel for the politic leadership corps quoted at length from Judgment # 3144 of the party tribunal in the Department of Regensberg, under which a man was expelled from the Party because he refused a Party office on the grounds that to take it would consume so much time that he would be unable to devote himself to his interest in music and to the giving of music lessons to his children. The judgment in this case proceeded on the theory that the bitterness of the struggle of the German people required unconditional sacrifices on the part of each party member, especially those who were new in the party ranks. (P. 2740, 2741 & 2742).

III. Knowledge of Criminal Activities

The witness stated that in his district in Berlin the lower political leaders were not informed in advance of the anti-Jewish activities which occurred on 9 November 1938. The witness himself was as much surprised as the rest of the population on awakening on the morning of the 10th and seeing the damage which had been done. He and several other Blockleiters with whom he talked disapproved of the measures and agreed that had they been asked to participate in them, they would have refused. (P. 2751).

Block and Zellenleiters had nothing to do with the treatment of foreign workers or of prisoners-of-war who were engaged to work in Germany. (Pp. 2751-2752).

Summarized by: J.S. CONWAY

H1094 – 0059

SUMMARY OF EVIDENCE OF EDWARD KUEHL WITNESS FOR THE

CORPS OF POLITICAL LEADERS ORGANIZATION TAKEN

BEFORE A COMMISSION ON 28 JUNE 1946

TRANSCRIPT PAGES

SUBJECT: Activities and Attitude of Kreisleiters.

Witness has been in public service since 1911. He was a soldier in the first World War and remained active as a communal administrative official since 1918. He was Mayor in Hohenwestid, Drochtersen Kreis Stade, and in 1943 he was deputy of the Mayor of Stade. He joined the Nazi Party in May 1933; became expert supervisor to the Ortsgruppenleiter on communal affairs in Hohenwestid. He was Ortsgruppenleiter in Volkskartei in 1936 and kept that position until the capitulation. He was acting Kreisleiter in Kreis Stade since May 1943.

I. Activities Relating to Article 6 of the Charter

1. Activities, attitudes, and duties of Nazi Party Kreisleiters

The witness explained that in his last political position he performed the duties of Kreisleiter but that he only held the rank of Ortsgruppenleiter. This was a common situation within the Party, and witness had even known those men who filled the function of Blockleiter or Zellenleiter who were not even Party members.

The Organization Book of the Party was regarded as a type of service manual which was distributed to all Ortsgruppenleiters. This distribution was a compulsory one but as a practical matter the witness and some other political leaders never read this book. Insofar as the book states that all Party officials down to the rank of Blockleiters are Hoheitstraeger (bearers of the sovereignty), it was not realistic because Blockleiters and Zellenleiters possessed very little responsibility and had very few privileges. They had no staffs of their own.

There never existed any Party spy system. This would have defeated the purpose of the Party organization because it was necessary that Blockleiters retain the confidence of those among whom they lived. Therefore, Document P.S. 901A, which was a circular letter from the Gau organization office of Cologne-Aachen (March 31, 1941), directing the Block and Zellenleiters to maintain a household filing system, was intended primarily for the care and service program of the Party. Provision for the inclusion on the file cards of information with respect to the possession of a flag or a radio receiver, which newspapers were read, and which political opinions held, went far beyond the original intention of the filing system. In the district of the witness, East Hanover, the heads of the households themselves filled out the filing cards and no political information was put on them.

From 1939 on, the witness attended regular, periodical meetings of the Ortsgruppenleiter in East Hanover and the conferences of the Kreisleiter in Kreis Stade. These meetings were not secret and none of the matters relating to the crimes listed under Article 6 of the Charter were discussed at them.

The political leaders did not interpret the Party Program as an instrument which would lead to the crimes in the indictment. Point One of the program was regarded as an ultimate goal of the Party and as a realization of Wilson's principle of self-determination of nations. The point with respect to anti-Semitism was based on the fact that a

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large number of Eastern Jews had come from Poland to Germany after the first World War.

The publication, "Der Hoheitstraeger", was distributed down through the rank of Ortsgruppenleiter. The book is not correct in saying that those people who are termed Hoheitstraegers have the right to commit the SA and the SS in certain cases. In reality, no such right exists. In addition, the book is inaccurate in characterizing the SS a "Gliederung" of the Party, at least after 1934, because at that time it became entirely independent of the Party under the leadership of Himmler; not even the Gauleiter could exercise any influence on the SS.

On cross examination the witness admitted that the administration of the State depended for its efficacy upon the political leadership structure from Gauleiter down on through Blockleiter.

The bulk of the political leaders disapproved of measures against the Jews during the years, 1933 to 1945. In the district of the witness the activities of the Gestapo were thoroughly humane and the witness approved of that organization insofar as he knew about it. He approved of the measures taken by the SS, which he knew up to the outbreak of war. The directive issued by Sauckel on 7 May 1942 (P.S. 3044) and the circular from Bormann to the Reichsleiters, Gauleiters, Kreisleiters, and Ortsgruppenleiters (P.S. 205), which decreed the good treatment of foreign workers so as to raise their production, were familiar to the witness. He knew that in May 1942 Gauleiters had been made responsible for the inspection and control of foreign workers.

On cross examination the witness was informed of the context of Document D 43, which was an instruction during May 1936 from a Kreisleiter in Bremen to his Ortsgruppenleiters, requiring that the latter make out a report of the Civil Servants who did not perform their duties in voting. This document stated that such reports had been ordered by the Minister of the Interior, Dr. Frick. Witness testified that no such instructions were given in Bremen.

The explanation that occurred to him was that the person who issued this directive was a subordinate Civil Servant, not the Minister of the Interior himself. He imagined that this Civil Servant thrust himself in front of a Party official and asked the Party operators to find out things which did not fall within their competence. He pointed out that it would have been much easier for the Reichs Minister, had he desired such information, to learn it from the election administrative authorities.

2. Participation of the political leaders in matters relating to the Jews

Political leaders in the district of the witness did not know of the intentions of the State leadership with respect to the solution of the Jewish problem. On the basis of the Party Program, they believed that this question would be solved legally. Witness never heard of the term "final solution" or its meaning until he arrived in the Nurnberg prison.

As evidence of the disapproval of the political leaders, in the district of the witness, of the measures which were used against the Jews, the witness stated that in his district of Stade very slight damage was done on the nights of November 10 and 11, 1938.

The State authorities, not the Party leaders, were in charge of the deportation of Jews.

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3. Persecution of the Church

Witness denied the allegation of the prosecution that there was a unified plan in which political leaders participated for the persecution of ministers and members of religious orders. He had never heard of the "religion stop" order of Hitler; although he admitted he might have known of it under a different name. After the beginning of the war, discussion of the church question was prohibited.

Witness remained a member of the church and never received any orders or suggestions to resign from it. He never had much interest in church matters and he never conditioned his political appointments upon church membership. He never knew of a single instance of the disturbance of a religious function by political authorities.

Witness cited an instance in which a clergyman was denied membership in the Party because it was desired that he should not be brought into any conflicts of conscience.

Witness was confronted with Document D 901 relating to the Kreis of Darmstadt in which there were four reports from an Ortsgruppenleiter to a Kreisleiter, which mentioned the increased activity of the evangelical churches in that area. He ventured the opinion that this report might have related to a district in which religious opposition was sharply critical of the Nazi State measures. His attention was called to the second of these reports in which the Ortsgruppenleiter mentioned that when a person leaves the church he has different taxes imposed on him and that the pastor should have his knuckles rapped. The witness explained that when one resigned from the church his personal taxes were remitted but not his real estate taxes. He was unable to state why such a report had been written but stressed that it was an individual case. In the same report with respect to the difficulty of reconverting children whose parents had left the church, witness was unable to explain why such children should require reconversion. In his district the children of the believers in God always participated in religious instruction. Questioned further with respect to the statement in Report No. I that a Kreisleiter was going to instruct the SD and the Gestapo, he believed that this concerned a case in which the pulpit had been continually used to attack the Nazi State and that the Kreisleiter was going to report this matter to the SD and the Gestapo and that, in all probability, the offending clergymen would be sent straight to a concentration camp. He emphasized the point that any ordinary citizen would have been at liberty to report to the Gestapo that which he had heard at such a church service.

4. Maltreatment of Allied Fliers

Emergency landings of enemy fliers took place frequently in witness' Gau of East Hanover. The population believed that these fliers should be treated as prisoners of war and behaved accordingly. The article of Propaganda Minister Goebbels in the "Volkischer Beobachter" which attempted to incite the population against Allied fliers was openly opposed in the political meetings by the witness, and he never did hear of any lynchings of enemy fliers.

III. Knowledge of Criminal Activities

The witness was acquainted with Hitler's order that each individual should learn only as much as it was necessary for the fulfilment of his particular position, and he testified that, on the basis of this order, political leaders on the Kreis level could not possibly have had any knowledge of the crimes which occurred prior to the war.

Political leaders were in no way connected with the operation, supervision, or installation of concentration camps. Witness personally had never known anyone who was put into one of these camps. The subject

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of concentration camps was never discussed at any meeting attended by Party officials.

The Army was directly responsible for the care and shelter of prisoners of war and matters relating to the civilian foreign labor were handled by the D.A.F. The Employment Office was responsible for the shelter of individual workers on the farms.

The attention of the witness was called to Document D 884, which was a report of a Gaustabsamtsleiter, relating to abortions on foreign female laborers. He testified that he knew the basic directives on these matters and stated that abortions were permitted only if the woman herself signed an application for one. Party officials received information copies in such cases. The applications themselves went to the Burgermeister who took them to the Reich physician's chamber, from which place they were sent to a hospital for action.

As Kreisleiter and as Ortsgruppenleiter, witness received directives from Commissioner of Labor Sauckel, which requested decent treatment and rations for foreign labor, and he was extremely active in enforcing such regulations.

The witness did not know of much misbehavior against foreign laborers; though he did know of several cases in which he himself had seen to the punishment of policemen and he did know of several judicial decisions penalyzing Germans for rape and maltreatment of foreign laborers. He believed that Sauckel's directives were distributed upon his advent to office and were issued in the light of the vast increase in the number of foreign laborers in Germany.

The witness refused to concede, on cross examination, that continual directives for the better treatment of foreign workers were necessitated by the general existence of mistreatment but believed that it was necessary to continually emphasize good treatment because of the necessity for high production and the continual increase in the number of foreign workers.

On cross examination witness admitted that in 1942 Gauleiters had been made responsible for the inspection and control of foreign workers.

Summarized by:

J. S. CONWAY

H1094 -0063

SUMMARY OF EVIDENCE OF

R I T T E R VON L E E B

WITNESS FOR THE HIGH COMMAND TAKEN BEFORE A

COMMISSION ON

21 JUNE 1946, TRANSCRIPT PAGES 1640-1670
22 JUNE 1946, TRANSCRIPT PAGES 1609-1625

SUBJECT:
1. The Military Leaders did not Form a Group.
2. The Military Leaders did not Participate in Planning a Conspiracy.
3. The Military Leaders did not Agree with the Methods of the NSDAP.
4. The Military Leaders did not Participate in Criminal Actions Under Article 6 of the Charter.

Prior to the war witness was commander-in-chief of armored division # 7 from 1929 to 1933 and commander-in-chief of armored division # 2 from 1933 to 1938. He retired in 1938. (P. 1640).

I. Activities Relating to Article 6 of the Charter

1. The Military Leaders did not Form a Group

The high military leaders did not form a group in any sense of the word. They were only persons who happened to hold particular jobs within a certain period of time. They did not have any chart, nor did they have any mutual connections. There was no organization or cooperative membership. There was no such thing as a war circle and there was no making of mutual plans. Orders were received from superior officers and were carried out. (P. 1641).

It was impossible for the military high commanders to be considered a group prior to the war because of their small number. Until 1935 there were only two commanders-in-chief of the army, Field Marshal von Rundstedt and the witness. In 1935 a third was added to their ranks, Field Marshal von Beck, and in 1937 yet another. High military leaders refrained from politics, both through choice and tradition and also through necessity because they did not share any common political aims. (P. 1641).

It was precisely because the military leaders did not form a group that they were unable to protest effectively against orders, such as the Commando Order, with which practically all high military leaders disagreed. (P. 1654).

2. The Military Leaders did not Conspire or Prepare for Aggressive War

The witness believed that re-armament was necessary because Germany was situated in the middle of Europe with no water barriers and was surrounded by hostile countries which had neither demobilized nor disarmed. The German commanders looked upon re-armament as the best means of maintaining security and of preventing Germany from being overrun. However, the witness believed that it would have been safer and better to have re-armed on a smaller basis. (P. 1642).

On 5 November 1937, when Hitler called together the chiefs of the various branches of the armed forces and told them of his political and military goals, the witness was commander-in-chief of army group II. Despite this high position directly under commander-in-chief of the army, General von Fritsch, the latter did not tell the witness anything about this meeting. (Pp. 1642-1643).

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The witness testified that he believed Hitler's promise for continued peace. (P. 1643).

Although witness, as commander-in-chief II, had charge of the entire Western border, he did not participate in the occupation of the Rhineland. He was called to Berlin a day or two before the occupation and the decision was told to him. He was instructed not to speak to anyone concerning this. To the best of his recollection, the occupation was a symbolic one, in which only two or three battalions were sent across the Rhine. (P. 1643).

Witness held various positions in which he would have learnt of any plans among the military leaders which looked toward an aggressive war. Far from encountering any such plans during the period from 1929 to 1938, witness neither learnt nor participated in any plan, order or preparation for military aggression. (P. 1644).

The witness' travels and duties as commander in Bavaria were devoted to the perfecting of defensive plans along the Bavarian/Czech border. As commander-in-chief in Kassel, witness had charge of the defenses along the Rhine together with plans for a counter-attack if an enemy should cross the line. After the West Wall was taken in 1935 or 1936, it was planned that this Wall should be defended by three weak armies. (Pp. 1644-1645).

The defensive tactics of the post-World War I German army were in marked contrast to the manoeuvers prior to the First World War which stressed offensive tactics. After World War I, defense in all its variations was the main point of the German army's activity. The witness himself wrote a book on defense which was accepted by the American Army as a foundation book for military classes on that subject. (P. 1645).

The old generals who had participated in the First World War well remembered the horrors of war and the terror that it had brought to them and their families. They wanted no more of it. (P. 1645).

During the time of the march into Austria, the witness was in retirement at a small town outside Munich.

In the summer of 1938, at the time of the entry into the Sudetenland, witness was told to prepare for the march of an army near a border. This was purely a precaution in case of an attack from Czechoslovakia or France. Witness led the peaceful march of this army. He then went back into retirement. (Pp. 1645-1646).

Witness disagreed with the conclusion of Field Marshal von Blomberg, stated in USA Exhibit # 536, to the effect that the problems of the Polish Corridor, the Ruhr and Memel would have to be solved some day, if necessary by power of arms. Witness did not believe that von Blomberg's views in this respect were shared by the officer class of the army, most of whom believed that these questions could be solved in a diplomatic and peaceful way. Furthermore, the witness doubted whether von Blomberg's opinion on just what the German officers did believe was sufficient to warrant his ability to give views on their beliefs. In the four years that the witness was commander in Bavaria, von Blomberg was only there once, and during the four and a half years the witness spent in the West, von Blomberg only came into his locality three times. (P. 1646).

On cross-examination, the witness was questioned with respect to his statement that the military leaders hoped to settle the Polish question without bloodshed. He reiterated that they were hopeful that some such arrangement could be effected as had been reached at Munich. He was asked whether Hitler had announced to his generals that Poland would have to disappear, but he did not remember any such statement. He was reminded that at Munich the Sudetenland disappeared, and he said that this was arrived at with the

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agreement of the Western powers. He was informed that the Munich agreement had been brought about by blackmail and he said he did not know that and anyway had not taken part in these meetings at Munich. (P. 1665).

On 22 August 1939, the witness was summoned to a conference at Obersalzburg which Hitler held with his various high commanders. Hitler's speech on this occasion was not a discussion but was a decision on the part of the chief of state. There was no opportunity to make any kind of protest and, contrary to the allegation of the Prosecution, the generals did not applaud wildly but remained very quiet. The witness himself was quite worried over this decision but quietly hoped that things would go as peacefully as they did during the march into the Sudetenland. (P. 1648).

At the Obersalzburg meeting Hitler assured the generals 100% that the Western powers would not enter into war. (P. 1648).

During the Polish campaign witness was in command of army group C which defended the Western frontier. This frontier was occupied weakly. (P. 1648).

It was not true that, during the Polish campaign, German officers thought of nothing but a war to capture the entire Continent. On the contrary, some of them, including the witness, thought that it was very fortunate that the enemy did not attack from the West. The witness sent a long memorandum to the commander-in-chief of the army proposing that there be no attack in the West but that enough divisions should be transferred from the East to enable the West to be defended successfully. Witness proposed that all other divisions be de-activated and that a diplomatic effort be made to inform the Western powers that there was no intention of attacking them. Thus, witness did not attempt to bring about an aggressive war against France, but attempte to prevent it. (P. 1649).

In March of 1941, the witness, in the company of other military commanders, was called into conference with Hitler and informed of the impending attack against Russia. This movement was presented to the generals in the form of a necessary and preventive war. They were told that Russia would certainly attack Germany and that for its own security, Germany had to attack Russia first. (P. 1649).

When the witness marched into Russia as commander-in-chief of army group north, he encountered strong opposition. He spoke to a Russian officer who claimed he was commander-in-chief of an army, and who told him that in front of the witness' sector four large armies were either already in position or enroute. This information fortified the witness' impression of the strength of the opposition. (P. 1650).

On cross-examination, a statement was read to the witness which had been taken from a document of the General Staff. This statement mentioned the necessity of a German attack upon Russia in order that Germany might gain new territories from which to feed her people. The witness was asked why, assuming this statement to have been correct, he classified the Russian war a a preventive war. Witness answered that the claim that the Russian war was a preventive war was not based on any need that Germany might have had for further food, but on Hitler's statement that Germany had to attack Russia because Russia was determined to attack Germany in any case. (P. 1667).

The witness was questioned on cross-examination with respect to the necessity of all parts of the military machine giving willing cooperation to the central aims. A simile was presented to him that a military organization was something like a concert where each musician had to be tuned to all the others. The witness agreed that this described the situation and stated that it did not only apply to this war but to any war. (P. 1668).

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3. The Military Leaders did not Plan, Engage In, or Condone the Waging of War in Violation of the Rules of War

The military leaders did not plan or condone practices which were contrary to the rules of war. Their training and their convictions were against all such practices. (P. 1652).

It was only from the speech of Hitler at the meeting in the spring of 1941, prior to the Russian campaign, that the witness learnt of any disregard on Hitler's part for the international rules of war. At this meeting Hitler said that right warfare was not owing to the Russians and that political Commissars should not be treated as soldiers. At the same time an order was issued that required the shooting of Commissars and forbade any disciplining of soldiers who should become involved in crimes against the population. (Pp. 1652-1653).

Witness, together with other generals, went immediately to the commander-in-chief of the army and protested then. The commander-in-chief made re-assuring statements to them and shortly thereafter issued a further order which required the army commanders to maintain the sharpest discipline. This order was regarded by high military commanders as a revocation of the two unjust orders. (P. 1653).

At that time the witness consulted with eight of the nine commanding generals who were subordinate to him with respect to the justice of the Commando Order, and he also talked on the same subject to other generals whom he has met since the capitulation in various prisons. From these people he has received the unanimous judgment that this order was not right and the re-assuring information that it was never carried out. Witness also believe that the troops, in actual practice, could not afford the time to find out who were political Commissars and who were not. For these various reasons, the Commissar Order was quietly sabotaged. (Pp. 1653-1654).

Witness believed that the Commissar Order was not only wrong but that it was unwise because it sharpened the resistance on the part of the Russian troops. (P. 1654).

The commanders-in-chief of the German army did not get together and ask that the Commissar Order be rescinded because they were not a group and therefore could not act as one, and also because such action would probably have resulted in the removal of all of them and their replacement by irresponsible men, with the net result that an order even worse than the Commissar Order would have been enforced. (P. 1654).

Witness denied the accuracy of a statement made in an affidavit by SS Fuehrer Schellenberg (USA 557) in which it was stated that the commanding generals of the army groups and of the army were informed of the intended duties of the Einsatzgruppen commanders and of the security police and the SD with respect to mass extermination of the Jews. He also denied any knowledge of a conference between Schellenberg and Wagner, Heydrich and Canaris in the presence of all the 1C officers of the army and army groups, concerning the subject of the Einsatz commandos. The witness flatly denied that any 1C officer informed him of this conference or of its subject. (Pp. 1655-1656).

Witness remembered having received information from a staff officer of his regarding a massacre of the Jewish population at Kovno by Lithuanians. The Einsatzgruppe was not involved in this matter. Witness issued the strictest instructions that these anti-Jewish activities be discontinued at once. (P. 1656).

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Witness said that Ohlendorff was just as mistaken as Schellenberg when he claimed that, prior to the Russian campaign, Hitler or Himmler spoke to all commanders-in-chief regarding the persecution of Jews. (P. 1656).

Witness did not see any churches which were destroyed by the Germans in occupied territory in Russia. On the other hand, he did not see any churches there which were serving their original purpose. (P. 1657).

At the time when Leningrad had been encircled on the north by the Finns and on the south by German troops under the command of the witness, the latter proposed to Keitel, who was in that locality on a visit, that a corridor should be established south of Schluesselberg, through which Russian civilians from Leningrad should be transferred into Russian territory. Witness made this proposal because he did not want the Russian population to starve. He had learnt that the shipping on Ingermann land lake was not sufficient to supply the population of one and a half million people. He himself could not have handled the vast task of feeding these people until they should be able to reap the next harvest. Nor was it possible for the witness to remove them by train because transportation difficulties were so great. This proposal fell through because winter came on and the Russian quickly built a railway across the frozen river and by this means procured sufficient supplies. The civilian population did not leave the city. (Pp. 1657, 1658 & 1659).

Up until January 1942, the date of witness' retirement, only military objectives were shelled at Leningrad. The witness needed all the heavy munitions which he had at his disposal. Thus, tank works and steel works, dock and harbor installations and iron works at Marva were bombed. There was no wanton destruction of such places as castles. (P. 1659).

On cross-examination, the witness stated that when he advanced on Leningrad, he expected very little resistance and he was therefore very much surprised when he was ordered not to take Leningrad. Witness admitted that he had received a letter from the naval operations staff in which he was informed that the Fuehrer intended to have Leningrad disappear from the face of the earth. He never received any orders relating to this intention on the part of the Fuehrer. The letter from the naval operations staff was document C 124. (Pp. 1614-1615; 1619).

Witness was not willing to assume full responsibility for everything that happened within his army group while he was its commander, but acknowledged responsibility only for that which he knew about. (P. 1612).

Witness had the impression that at one time or another he was informed of the fact that Einsatzgruppen troops had been disseminated throughout the army. However, his direction was always toward the front and he did not believe that he ever met a commander of one of these Einsatzgruppe. He made the point that any distribution of Einsatzgruppen men with the front-line soldiers was spread so thin that it could not possibly have come to his attention. It was not until he read the files in prison that he heard of frequent meetings between members of his staff and Einsatzgruppen leaders. (Pp. 1613; 1621).

On cross-examination, the attention of the witness was called to paragraphs 3 and 4 of the so-called "Fuehrer Order" (UK 64) of the 13 or 14 May 1941, which directed that severe measures were to be taken against the civilian population and forbade any punishment of German soldiers for violations against Russian civilians. Witness admitted that he could not reconcile this order with his concept of correct military conduct. He was then asked why he did not resign when he learnt of this order. His reply was that he relied on an almost simultaneous order from the commander-in-chief which cancelled this unjust order of the Fuehrer and directed that full discipline be maintained in all military activities in the East. Thus, the order had no influence on witness' attitude or conduct toward the civilian population under his control. (Pp. 1610; 1623).

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The witness conceded that the series of dishonorable orders which were issued to the military commanders came about by reason of National Socialism, but he said that the higher military leaders adopted an attitude of absolute opposition. (P. 1611).

4. Nature and Extent of Military Commanders' Duty to the Head of the State

Witness testified that he gave proof of his agreement with the doctrine of Moltke and Schlieffen, "higher than the order is my conscience and my duty to my Fatherland", in his own person when he retired in 1942. (P. 1616).

Witness testified that he was not too clear on the exact details of the pre-Poland meeting because at that time he had been in retirement and was no longer interested in military affairs. The prosecuting attorney asked him why he had put his services at the disposal of an adventurer against whom he had certain convictions, if he had no interest in military matters. The witness answered that at that time it was not quite so apparent that Hitler was an adventurer. Furthermore, he considered it his duty to answer a call which was sent to him to place his services at the disposal of his country in critical times. He was asked whether he was not able to use his analytical powers to observe that his country was not in danger, but that it was Poland which was in danger of being swallowed by a snake, and he testified that he was not able to judge this and that he hoped that a peaceful settlement would be possible. (P. 1666).

It was not until the Russian campaign had already started that the witness noticed any interference in military operations on the part of Hitler. Once this interference did start, however, it became extremely aggravating in very short order. Hitler did not realize, for instance, just where the difficulties lay in the war with Russia, and the witness was convinced that if Hitler had not interfered, that war would have ended at least in a draw. (Pp. 1669-1670).

5. Attitude of the Witness to Nazi Principles and Practices

The witness stated that his mistrust of the Nazi regime and his dislike of its bragging attitude began in the year 1933 when he was chief of service command 2 in Stettin. At that time he adopted a waiting position to see what they would do. (Pp. 1662-1663).

The witness had heard it said that Hitler broke his word of honor to Generals Losser and Kahr at the time of the Putsch in Munich in 1933. Although the witness lived in Munich in February and March of 1933, he did not remember the signs of the Bavarian People's Party and the Social Democrat Party which warned that "Hitler Means War". (P. 1663).

Witness would not agree that all of Hitler's theories were wrong, but he believed that a lot of Hitler's program which looked good on paper was never practised. He did not subscribe to the racial theory and he thought that the theory on living space was just a political slogan. He had formed no settled conviction with respect to Germany's need for further space. (P. 1664).

H1094-0069

II. Evidence of Voluntary or Compulsory Membership

In January 1942, the witness asked for his retirement. He was motivated to this step by the following factors: in a political manner by the persecution of the churches; by the foreign political policy; by the fact that he and his wife were being watched, guarded and spied upon; by the injustice of the Commissar Order; and by the continuous chain of false orders and decisions which caused unnecessary bloodshed. The witness saw no possibility of influencing Hitler against making these autocratic and disastrous decisions and for that reason he resigned. He knew of no law at that time which prevented military leaders from resigning if they did not agree with military orders or if they wished to leave the service because of some other reason. However it was true that the agreement of Hitler was necessary before any military commander was allowed to resign. (P. 1651).

The witness was questioned with respect to the motives for his retirement and he said that all these matters which brought influence on him to do that which his conscience told him was wrong mounted up as time went on. At last he was convinced that he could not persuade the Fuehrer in any respect and he decided it was time to withdraw. He did not believe that he would encounter difficulties if he retired and he had decided to retire in any case. Asked whether he was one of the few men who had courage in the face of his leader, he replied that his conscience forbade him to participat in wrong. (P. 1616).

However, witness could understand why other army leaders carried on, because there was no one who could give any resistance to Hitler. (P. 1618

On re-direct examination, the witness testified that the immediate cause of his retirement was Hitler's disregard of the witness' advice that the troops who held positions in a pocket which jutted out from the front south of the Ilmen sea should be brought back into a position parallel with the remainder of the front. Hitler's refusal to consent to the withdrawal of these troops resulted in their unnecessary loss to the German army at a time when reserve man-power was very low. (Pp. 1618-1619).

III. Knowledge of Criminal Activities

Witness was never informed of the goals of National Socialism in the East which involved the extermination of Jews and the deportation of the population. (P. 1643).

The witness never knew of the Commissar Order until he arrived at the Nürnberg court. (P. 1612).

At the time of the Jewish persecution of 1938, the witness was in strict seclusion in a suburb outside of Munich. He testified that he had no Jewish acquaintances in Bavaria and that he did not hear of the disappearances of various Jews from the community. (P. 1612).

Summarized by: J.S. CONWAY

Mem. Alex

H1094-0070

SUMMARY OF EVIDENCE OF PETER LIEBRICH

WITNESS FOR THE S.S. (MEDICAL)

TAKEN BEFORE A COMMISSION ON

28 JUNE 1946 TRANSCRIPT PAGES 2031 TO 2059

SUBJECT: Aims, Tasks, Activities, and Recruiting for the Medical Units of the General and Waffen-SS.

Witness, a doctor by profession, became a member of the General SS in 1933 and remained in that organization until 1936. His last rank was SS Untersturmfuehrer. From 1936 until 1940 he was a member of the replacement Army and in 1940 when the name of that organization was changed to the Waffen-SS, he became a member of the Waffen. He remained with that organization until the capitulation. (pp. 2031, 2032)

Within the Waffen the witness belonged to the Standarte Deutschland (First SS Armored Division, the Liebstandarte Adolf Hitler) and to the Medical Office of the Waffen-SS, Department II A (Personnel Department). During the war he participated in the Polish Campaign (1939); the Western Campaign (1940); the Greek Campaign (1941); the Russian Campaign (1941-2); occupation of upper Italy (1943); the winter campaign in Russia (1943 and 1944); campaign in Normandy (1944); the Ardennes Campaign (1944-5); retreat skirmishes in Hungary and Austria until the capitulation (1945). (p. 2035)

I. Activities Relating to Article 6 of the Charter

1. Activities of Medical Corps Doctors and Assistants in the General SS

Doctors in the General SS, before the war, confined themselves to medical examination of SS applicants, examination for eligibility of marriage, and to listening to medical lectures. The medical examinations of applicants usually occupied about one night a week. The work of doctors in connection with propaganda marches and other demonstrations of the SS was limited to that which was necessary to render medical assistance in case of emergency or accident. (p. 2032)

Physicians did not have to attend the political training meetings of the SS. In connection with the examination of SS applicants, the following elements were considered: the general health of the applicant, his freedom from contagious or hereditary disease, the condition of his teeth, a program of prophylactic treatment to prevent disease, and his ability to participate in sports. (p. 2033)

The medical assistants (sanitater) worked approximately the same number of hours a week at First Aid work under the supervision of medical doctors. Members of this organization were also excused from general tasks in the SS. (p. 2033)

The members of the German Red Cross units carried out work similar to the Medical Division of the General SS and were also exempt from any ideological training. The reason that more doctors joined the SS than joined the German Red Cross was that the former organization, due to its rapid increase, was in greater need of medical men than was the sufficiently staffed Red Cross. (pp. 2033, 2034)

2. Tasks and Functions of Doctors within the Waffen-SS

The witness advanced from the rank of Obersturmfuehrer (First Lieutenant) to the rank of Standartenfuehrer (Colonel) during the period of his service in the Waffen-SS. There was no distinct title given to

designate the rank of a doctor in the Waffen-SS. Doctors were distinguished from other offices only by the blue cord around the collar and shoulder straps and by the Aeschylus staff worn on the left arm. (p. 2034)

The witness testified that wounded soldiers of the enemy were treated by the medical personnel within the Waffen-SS all during the war. He said that these men were given the best medical attention that the personnel available and the circumstances allowed and that no distinction was allowed between the treatment of enemy soldiers and of German wounded. Wounded men of the enemy were given medical transport toward the rear and equal comfort to that afforded German wounded was given to wounded personnel of the Allied forces. (pp. 2035 to 2037)

Witness, from his own experience, stated specific instances of medical attention afforded Allied wounded and civilian personnel in SS medical installations at the following times and places: Kielce in 1939 (Polish soldiers and civilians); Polish Campaign (Polish prisoners transported in the only available ambulance); French Campaign in 1940, Flanders (medical station erected in Verneux at which English prisoners were treated); Cannes in 1941 (French hospitals left undisturbed and witness visited them in professional capacity); Greek Campaign in 1941 (New Zealanders treated at German medical station and Greek military hospitals kept open for treatment of Greek wounded); Russian Winter Campaign in 1941-1942 (Russian civilians and soldiers given medical aid at SS military hospital at Tagernroch); the Dieppe landing operations (witness' medical station treated Empire soldiers); Normandy Campaign at Caen (SS medical stations treated many United States soldiers); and Ardennes Offensive (during which Waffen-SS Doctors Stenzel and Luchesie treated American soldiers). (pp. 2035, 2036)

Medical personnel of the Waffen-SS who assisted the doctors were people who had especially good records with respect to integrity and honesty, and they were given training in the Waffen-SS, which qualified them to work in Medical Detachments. In the course of their training they were taught the regulations of the Geneva Convention. They were prohibited from participating in the fighting. On the whole, the witness said a very high ethical standard prevailed among the administrative and directive authorities of the medical troop of the Waffen-SS. (p. 2038)

The medical military units of the Waffen-SS were formed in October 1939. Prior to that the predecessor of the Waffen, SS replacement troops, had only the doctors and medical personnel which it needed to administer to the peacetime medical wants of its members. It had no sanitary companies, no medical companies, no transport columns, or field stations or sanitary troops. Before 1939 there was no Medical Reserve Corps, out of which such units could have been drawn. (p. 2039)

On cross-examination the witness was asked whether he was aware of the fact that victimes of concentration camps were used for the purposes of experiment by young SS medical students. He answered that he knew nothing of any such and did not believe that such things took place. Neither did he know anything of medical students having been trained in surgery at Dachau by reason of 500 operations carried out upon the persons of the inmates of that concentration camp. On redirect examination he testified that he did not know what was meant by the term "SS medical students". The only medical students of whom he was aware were young men studying medicine at schools of medicine. (pp. 2041, 2050, 2051, 2056)

The witness was questioned with respect to the supplying of doctors by the SS medical organization to the Totenkopf Division. He answered that SS medical men were supplied only to the Totenkopf Unit which was in the field. (pp. 2041, 2042)

3. Activity of the Lebensborn Association in Giving Medical Care at Childbirth

On cross examination the witness was questioned with respect to the activity of the SS medical men in giving medical attention to women who

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were bearing children. He stated that the SS sent women to certain maternity homes and that he had sent the wives of some SS members to Lebensborn homes for confinement. The majority of the women were married but in some cases they were not married. He did not believe that it was the policy of the association to encourage many childbirths so that Germany would grow strong but he stated that the foundation of the Nation was considered to be the family. An excerpt from a speech of Himmler, Document U.S. 441, which urged upon German women and girls to have children of soldiers who were going to the front, not because of any sense of promiscuity but because of an ethical sense of duty, was read to the witness. He said that he did not remember having heard this speech or read it and that it did not express the opinion of himself or of the greater number of physicians. The witness did admit, however, having heard of Hitler's order under which abortions were performed on foreigners who had been brought into Germany for slave labor so that the birth rate of the Poles and other foreign people should not increase. (pp. 2054 to 2056)

II. Evidence of Voluntary or Compulsory Membership

The majority of the medical personnel of the Waffen-SS were drafted, transferred or commandeered from other units of the Army. There were few volunteers. Of 1500 doctors and dentists belonging to the Waffen-SS in 1943, about 160 had held prior active positions in the Waffen-SS. A large number of the physicians in the Waffen had never been either members of the Party or members of the General SS. Medical personnel of the Waffen-SS had no hand in the events or crimes committed in concentration camps. Due to the policy of strict secrecy concerning these matters, the medical personnel of the Waffen knew nothing about the crimes which have become known since the capitulation. Physicians on duty at the concentration camps were principally those who had been at these camps since they were first installed. Some of the physicians at concentration camps had been sent directly by the replacement office without ever having been SS medical men and a remaining few had been sent from the Personnel Main Office by the SS. Physicians in concentration camps were under the charge of the managing doctors or managing physicians of the camp and these managing doctors were directly subordinate to the Surgeon General—SS. These physicians were not under the jurisdiction of the Surgeon General of the Waffen-SS and had no contact with the physicians of the Waffen-SS. (p. 2041)

III. Knowledge of Criminal Activities

On cross-examination the witness was questioned with respect to the experiments carried out by Dr. Rascher. He was asked whether he knew that some of these experiments were carried out at Himmler's request and partly for the benefit of the SS. He answered that he did not know the purpose of these experiments. He was asked whether he knew that Rascher was transferred to the Waffen-SS so that he might be a member of the organization which was above the law while he conducted his murderous experiments. Witness testified that he did not know of this transfer. On redirect examination the witness testified that ordinary SS officials were not consulted with respect to the transfer of Dr. Rascher to the SS and for this reason could not be expected to know anything about it. He was asked whether he himself came under the Reich Surgeon of the SS and he answered that medical members of field troops were subordinate to the next superior medical officer in the Army, such as the Division Surgeon, the Corps Surgeon or the Army Surgeon. The Surgeon General of the SS had no authority to command the medical units of the Waffen-SS. The medical system of the Waffen-SS belonged to the SS Fuhrungshauptamt (SS Main Office). The Surgeon General of the SS had only the right of inspection of these units. (pp. 2042, 2056)

The witness testified that he had never seen any photographs of the Rascher experiments and that he had not until recently learned of experiments carried on by SS surgeons among prisoners with poisoned bullets. The witness testified that he received no instructions from Dr. Morrowsky, the Supreme Hygienist of the Reichs Surgeon-SS, but that he received his

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orders from the Consultant Hygienist of the Army's troops. He believed that the Army Hygienists were under the jurisdiction of the Inspector of the Army Medical Group whose name was Dr. Handloheer. (p. 2044)

When the witness was referred to Document L 103, U.S. 467, and asked how it was that these Hygienists were making experiments on prisoners with poisoned bullets, he said that he knew nothing about it. (pp. 2044, 2045)

The witness was asked whether he was present when Himmler addressed the Adolf Hitler Liebstandarte at Metz. He answered that Himmler talked to two groups; first, a large group and then at a smaller conference to a more select group. He did not attend the small conference but was present at the speech to the larger group which was composed practically of the entire division. He did not remember in detail what was said but he did not believe that the division was encouraged to continue a policy of ruthlessness and brutality. When an excerpt from Himmler's speech, taken from P.S. 1918, U.S. 304, which encouraged the shooting of Poles was read to the witness, he said that he had not heard any such sentences. Witness also failed to remember Himmler telling them that it was easier to enter combat than to suppress the obstructive operation of low cultured liberals. Witness testified that that was the only time he had ever heard Himmler speak and he asserted that his comrades and he were quite at variance with the opinions which had been mentioned by the Prosecutor. (pp. 2046, 2047)

The witness was questioned regarding the shooting by SS troops of 97 British soldiers, many of whom were British Red Cross bands, in the area at Lapardis in the neighborhood of Betheune. He answered that he had never heard of this incident. He also testified that he never knew of any prisoners having been shot by the Liebstandarte. The witness did not receive and knew nothing of an order which was issued at the time of the retreat from Russia directing that all villages were to be evacuated and burned. (pp. 2048, 2049)

The witness knew nothing of any shootings of French civilians by units of the Liebstandarte Division, neither at St. Denis, Paris, Navaugh, near Marche, Vois Ville, Jemille and Hun near Zhitmille. (p. 2050)

He had no knowledge of any wholesale murder of Jewish people by his division. (p. 2050)

The witness denied any knowledge of the killing of members of the Armed Forces of the United States in Belgium in December 1944 and January 1945. He stated that he had only heard of such incidents from the newspaper releases during the present trial. (p. 2051)

The witness testified that all Russian wounded who were brought to his medical station during the campaign in Russia were given humane and efficient medical treatment. He knew nothing of the activities of the Einsatz Groups until after the capitulation. He never knew General Von dem Bach-Zewelski personally although he had understood the rank he had and that he was engaged in combat against the partisans. (p. 2052)

The witness denied any knowledge of any extermination policy or practices against the Jewish people in territories occupied by the Nazi Army. (pp. 2052, 2053)

When the Prosecuting Attorney expressed disbelief that a senior medical officer working on the medical staff of an elite SS Division could have failed to have any knowledge of proven facts regarding the killing of millions of people. The witness pointed out that the position he held referred particularly to a field Army and a division staff. On redirect examination the witness testified that he had seen large numbers of British, Russian and American prisoners in the East as well as the West who had been taken in his combat area, and who were marched toward the rear. He remembered particularly numerous American prisoners who had been treated at the

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mair medical station of his division during the Ardennes Division. When he was asked to give numbers, he said that by "numerous" he meant over a hundred. In some instances he saw groups which were far more than one hundred. He emphasized again that he had treated numerous American prisoners and it was his opinion that, if an order in fact existed under which American prisoners were to be shot, he would have heard of it. The witness stated that he had heard the name of Von dem Bach-Zewelski in connection with anti-partisan activities and not in connection with the Einsatz Groups of which he had heard nothing. (pp. 2057, 2058)

On redirect examination the witness emphasized the fact that the medical men under his command were at the very front line for the purpose of caring for the wounded. In this position they had no contact whats ever with partisans and they had no knowledge of anti-partisan activities. The same was true with respect to the extermination of Jews in gas chambers and other extermination divices. He attributed his lack of knowledge of these criminal activities to the fact that he was always occupied in an extremely forward area and to the fact that the secrecy which was thrown around such activities prevented any word of it coming to people in his locality. (pp. 2058, 2059)

Summarized by:

J. S. CONWAY

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SUMMARY OF EVIDENCE OF WILHELM VON LIST

WITNESS FOR THE GENERAL STAFF

TAKEN BEFORE A COMMISSION ON 4 JULY 1946

TRANSCRIPT PAGES

SUBJECT: The General Staff--With Particular Reference to the War in Greece and Yugoslavia.

From 1930 to 1933 witness was commandant of the Infantry School at Dresden. From 1933 to 1938 he was Division Commander of the Fourth Division and later Commanding General of the Fourth Company Division at Dresden. In the spring of 1938 he was for a short time Commander-in-Chief of Army Group Kassel. On April 1, 1938 he became Commander-in-Chief of Army Group 5 in Vienna. In the war he commanded an Army each in Poland, France and Greece. He retired in 1942 with the rank of Field Marshal General.

I. Activities Relating to Article 6 of the Charter

1. Evidence tending to show that the high military leaders did not form a group or organization

The persons named in the alleged group of General Staff and OKW were not organized as a group or united as such. Each served as an individual. They had no definite binding to one another--they were not organized and there was not even any official exchange of opinion among them.

2. Annexation of Austria

At this time witness was Commander-in-Chief of Army Group 2 Kassel. He learned of the entry through the radio and stated that he was very surprised as he was responsible for securing the Western Front. He cited this as an example of how little Hitler informed his generals of his intentions.

3. Occupation of Czechoslovakia

Witness heard of the intention to occupy Czechoslovakia perhaps one or two days beforehand. He himself participated in the occupation in southern Moravia.

4. The French Campaign

Witness commanded an Army in the French Campaign. When he arrived at the Western Front, he learned from the Commander-in-Chief of the Army Group von Beck that orders had been received for a plan of attack. Beck was opposed to war and the Commander-in-Chief of the Army was of the same opinion. Hitler answered in November 1939 in the Reich Chancellory, accusing the generals of being too timid.

5. War in Norway

Witness only learned of events in Norway by means of a public news service.

6. War in Greece

In 1941 the witness commanded armies in Greece and in southern Yugoslavia. In 1940 he received orders from the Commander-in-Chief of

the Army shortly before Christmas, to the effect that he should station a troop group in Rumania. It was intended to move this troop to Bulgaria later because information had been received concerning a British intent to concentrate troops in Greece and to land a stronger force on Saloniki. Hitler wanted to avoid an armed conflict with Greece, if possible. However, later German Intelligence received even stronger reports concerning the intent to concentrate troops in Bulgaria as well as in Crete and Greece. Hence, Hitler gave orders to occupy Greece. Witness stated that the occupation was a defensive operation because of the threat of danger to (1) the Italian Front, (2) the middle field in Rumania, (3) the threat to the supply lines in Bulgaria and in the Balkans.

7. Yugoslavia

The witness was in command in southern Yugoslavia and southern Macedonia. He had not been consulted prior to the invasion and was surprised when the order actually came to invade. It was reported that about 15 Yugoslavian divisions had been concentrated, which witness could oppose only with very inferior troops. He, therefore, characterized it as a defensive action against the military threat.

8. Conduct of war in Greece and Yugoslavia

The witness never received nor gave orders that the war in Greece or Yugoslavia was to be waged as a merciless war. It would have been a contradiction to his Christian and ethical attitude to order such a thing. In southern Macedonia the war was decided within a few days and the casualties were low. Opposing troops were made up of Croatian tribes who sympathized with Germany. Saloniki was taken without fighting or destruction three days after the commencement of hostilities. Immediately afterwards the British Army capitulated and on April 20th the Imperial Army capitulated in Greece with about 250,000 men. Witness had breakfast with its commander-in-chief. The prisoners of war of the Imperial Army were dismissed at the witness' request immediately after the armistice. The officers were allowed to keep their arms. An order of the day was issued commending Greek troops for their courage and recommending that German soldeirs behave in a similar way. Many released prisoners of war were returned to their home villages in Army cars. On April 27th Athens was entered without fighting or destruction.

Witness repeatedly told the troops and commanders to treat the Greek population as carefully as possible and the relationship in 1941 between the two was good, even friendly and amicable. The witness himself drove through the whole of Greece in an open car without being molested and found the people friendly.

Document U.S.R. 358/369, a memorandum issued by a Greek exile telling of excesses by German troops, of lootings, etc., was called to witness' attention. The witness denied that looting took place to any great extent--the speed of the entry, the intense heat and lack of transportation made it impossible. He stated that individual cases, of course, occur within any Army but, if witness learned of it, severe disciplinary action was taken. A memorandum of the exiled Greek Government states further that the German occupation caused wide-spread starvation and the Germans took advantage of this fact. Witness stated that the lack of food could be attributed to the fact that stocks were low in Greece, which even at advantageous times is an import country. He also blamed it on the lack of transportation. The British blew a large railroad viaduct up when they retreated, and connections from Thermopylae to Athens were disrupted for several months. The shipping lanes from Saloniki to Athens were threatened by British submarines and many supply ships were torpedoed, Although even the German troop supply lines were low. they helped the Greeks with the distribution of food and bread. Witness himself applied through channels several times for more food. He stated that no purpose would have been gained in starving the people. They wanted to avoid a famine for famine breeds disquiet.

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On cross examination witness was questioned with reference to the burning of villages and extermination of population in October 1941. He stated that he was ill with acute appendicitis and was not in command from October 1941 to July 1942. He only learned of the burning in his prison camp. General Kunze was his deputy during this period but witness stated that he did not consider him a hard hearted man and could give no reason for the atrocities. He emphasized that he would not have approved of it.

On cross examination witness stated that he never heard of the removal of art treasures from Greece, not even from the Governor.

9. Attitude of military leaders towards National Socialism

In 1933 witness opposed Hitler in National Socialism. In 1923 he acted as Commandant of a Mountaineer Battalion in Kaempen and was ordered to Kaempen to put down the Hitler putsch. He obeyed although Hitler had many important people on his side and the sympathy of thousands of Germans. In 1923 when he was Commandant of the Infantry School in Dresden, Minister of Reich Defense told him that the training was to be conducted especially along non-political lines, as he wanted to prevent the spread of National Socialism into the Reichs sphere.

On cross examination witness testified that he was compelled to go along with Hitler because he had come to power legally--population had voted 90 percent for Hitler. He considered himself bound to Hitler by his oath of allegiance. He stated that in retrospect things looked different but at that time they believed that the system could be put on a moral and competent basis.

In September 1942 witness retired as Commander-in-Chief of Army Group A. Hitler had personally ordered an attack by two mountaineer divisions. The witness expressly contradicted the order as the attack would have resulted in the annihilation of these divisions. Hitler refused to see him but Jodl visited the witness and reported back to Hitler. Hitler was so outraged that he accused the generals of conspiracy, with the front-line generals against his person. For several months he did not speak to Jodl except with regard to official matters. Witness stated that Hitler could not bear to be contradicted. He considered such a thing a personal insult. General Keitel later informed witness that Hitler was outraged by his resistance and suggested that he lay down his command. He, therefore, retired on 10 September 1942. Previous to this witness had been at his home from 1941 to 1942 because of ill health.

10. Evidence concerning excesses against the Jews

When witness was Commander-in-Chief of Army Group 5 in Vienna he heard of excesses against Jews through the newspapers. He immediately protested to the Gauleiter and the Police President. Later he received many requests and petitions from Jews asking for help.

Summarized by:

D. N. HUNT

H1094 – 0077

MS A

SUMMARY OF EVIDENCE OF FIELD MARSHALL ERIC VON MANSTEIN

WITNESS FOR THE GENERAL STAFF - OKW TAKEN BEFORE A COMMISSION ON THE 3RD AND 4TH OF JULY 1946.

SUBJECT: Activities of the General Staff - OKW, especially with regard to the War in Russia.

In 1907 witness became an officer in the 3rd Guard Regiment and fought in the first World War. After the war he became a member of the border protection in Silesia and then was taker over by the Reichswehr. In 1929 he entered the troop office of the Reichs Ministry Office of War. In 1942 he was appointed Commander in Chief of the 11th Army and became a member of the General Staff and OKW.

I. Activities relating to Article 6 of the Charter.

1. Pre-war Activities.

a. In General.

In 1929 the witness entered the troop office of the Reichs Ministry Office of War with the rank of Lt. Colonel in the Department P-1. This department was concerned with the employment of troops in case of internal disorders or frontier clashes, also with drills and maneuvers in training and recruiting troops.

Up to 1929 no mobilization work was carried on. On April 1, 1930 the first preparations for mobilization were made. At that time Germany had 7 Divisions, 3 cavalry divisions, together with 100,000 men, no heavy artillery, no tanks, no air force, no fortifications or armament industry, no munition reserve and no man power. The mobilization preparations consisted of raising the 7 divisions to 21 divisions even though one-half or one-third of the men could not be supplied with arms.

The first concentration plans were drawn in August of 1935. It was known as "case red" and consisted of military games and training of troops and provided in particular for three army groups in the West in case of an attack by France, two or three in the East in case of an attack by Poland and only frontier protection in case of an attack by Czechoslovakia. In 1936-1937 the second plan was drawn, the "Plan Green", which was based on the possibility of war on two borders, that is Poland and France or Czechoslovakia and France. The object of mobilization and the maneuvers was solely defensive.

b. Withdrawal from the League.

The Military Leaders were never consulted with regard to Germany's withdrawal from the League of Nations but would have expressed misgivings because they felt it was Germany's sole protection against attack at that time and because Germany then lost the possibility of having the League pronounce judgment in Germany's favor in case of an armed conflict. Witness only learned of the withdrawal and of the declaration of military sovereignty on the radio.

c. Occupation of the Rhineland.

At the time of the occupation of the Rhineland witness was Chief of the Operational Department. He learned after the occupation that Hitler had informed the Chief of the Army von Blomberg and Lt. Colonel Frisch

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of his plans. Both had misgivings and suggested that only three divisions be moved across the line so as not to provoke France. France then mobilized 13 divisions and von Blomberg suggested that the German divisions be withdrawn to the other line or bank. The witness said that this is why the political leaders always after that mistrusted the military leaders. The orders from the Chief of the General Staff, which had been passed on to the witness to carry out troop movements within a few hours came as a complete surprise to him.(The Chief of the General Staff received the orders from Reich Minister of Defence.) He stated that the majority of the military leaders learned of the occupation over the radio.

d. The Annexation of Austria.

About 11:00 o'clock one morning witness was called to see Hitler because Commander-in-Chief von Braushitsch was not in Berlin. Hitler at that time told a meeting of military leaders that on account of Schuschnigg's decision to solve the Austrian problem by a plebescite, he, Hitler, would have to take action. He asked for military proposals concerning the military occupation of Austria. The leaders were unprepared and finally proposed to improvise mobilization of the Bavarian Corps. Hitler said the preparation would have to be completed that same day as the entry was to be made the following Saturday, the day before the plebescite. As a result orders for the occupation were worked out by the witness within five or six hours.

e. The Occupation of the Sudetenland.

The witness recalled a meeting at Obersalzberg with Hitler regarding case 38, the entry into the Sudetenland. Hitler knew that the chief of the General Staff, Beck, as well as other generals were against any measures that would lead to war. However, after the meeting witness carried out the maneuvers in autumn of 1938 as Chief of the General Staff of an Army commanded by von Leeb. The Chief of the General Staff had to retire because of this affair. Witness only learned of the occupation of the remainder of Czechoslovakia in 1939 after the action had been carried out.

2. The Polish Campaign.

Witness was Chief of the General Staff of Army Group, South, at this time. He attended the meeting on the 22nd of August when the Polish situation was discussed: (1) Hitler considered the Polish situation hopeless because the Western powers could not interfere for military reasons; (2) he mentioned indications of a pact with Russia; (3) Witness had the impression that this meeting of military leaders was only intended as a political bluff. They had been reliably informed that Poland would concentrate her troops in the Province of Posen which later proved to be correct. When the first order to invade Poland was later recalled on 25 August, and even up to 31 August, witness thought that everything would be solved peacefully as had been done in 1938.

On 23 September the order was given to take Warsaw by 30 September. It was being defended by a Polish Army as a fortified city because the Russians were on the other side of the Weichsel at that time. To avoid fighting in the town it was necessary to encircle it closely to carry out Hitler's bombardment order.

Originally a military administration had been planned for Poland but immediately after its conquest a government general was started, headed by Frank.

3. Continuation of the War.

The OKW and virtually all military leaders were against continuation of the war in the West but the military leaders were not consulted in this respect. In Hitler's speech of 23 November 1939 he stated that a western offensive was necessary and would be successful. He attacked the General Staff, expecially OKH and OKH thereafter had no further influence with him.

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Witness stated that the war in France was carried out by the Germans in absolute accord with international law. After the collapse, the military leaders thought the war would be over due to an agreement with England and OKH even started plans for demobilization. Later, however, the military leaders considered that a landing in England would be necessary to finish the war.

4. War in Russia.

The witness led an armored corps during the Russian offensive. He first heard of the plans in May or June when the general command was moved to East Prussia and he was told to start reconaissance work for an attack on Russia. It had become more and more evident that the Russians were collecting division upon division of infantry and armored troops on the frontier and that it was only a matter of time until they would attack. The Germans, therefore, considered it absolutely necessary that a preventive attack be initiated. Since Hitler had not attempted to land in England this was his last escape route.

The fighting in Russia was severe due to the fact that (1) wars involving ideologies are always fought hard, and (2) there was no doubt that Germans carried out reprisals against the Russians when they found that their own wounded had been maimed. In those years every soldier considered his falling into the enemy's hands as a death sentence. In addition, Stalin had demanded in 1941 that the Russians fight for every inch of their country, hence the battles were even more severe.

Any action taken by military leaders against excessive measures by the soldiers against the population was hindered due to the well known order of the Fuehrer, according to which no excessive measures carried out during partisan actions were to be punished. At the beginning of the Russian campaign OKH issued an order against Hitler's wishes which stated that the military courts martial system was to be maintained but they were restricted due to the fact that the Air Force, the SS, Organization Todt and police were not under court martial jurisdiction.

The witness received the Commissar decree in Eastern Prussia and immediately reported to the commander in chief of his Army Group, von Leeb, that as a soldier he could not carry out such an order. The order was never rescinded although General Reinhardt in a neighboring Army Corps had protested against it, but witness's division commander knew of his attitude and no Commissars were shot in his area. Also it was not practical to sort out the Commissars. Few were captured, many committed suicide or removed their insignia. To witness's knowledge no general officer in his area ever carried out the orders.

The military leaders also tried to see to it that prisoners of war were treated decently and according to the Geneva Convention. However, it is possible that Germans killed Russians in revenge for the murdered German soldiers they found. The troops at the front usually sent the POW's to the rear where they were collected and turned over to the main camps under the command of the OKW. Witness denied that POW's who were unable to go on were shot and cited one instance wherein he severely punished a soldier for hitting a POW. Large numbers were kept within the army area to repair streets, vehicles and so on. Because they were treated well they worked well.

Witness stated that he was told that it was the duty of the SD Einsatzgroups to check on the civilian population in rear areas concerning their political ideals but as there was always fighting going on in his area he never saw the SD men there. He did not give orders to the SD but he saw some of their reports which were concerned with the political attitude of the population, black market and so on. They contained nothing about the shooting of Jews. He was questioned regarding an affidavit of the witness Ohlendorf who stated that according to an order of the Army High Command II, Jews were only to be shot at 200 or 2½ kilometers away from Army headquarters. Witness said that such an order was not given. He only heard of the shooting of Jews once in his entire career as commander in chief. When he assumed command of the

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11th Army he had stopped at Nikolawew for a short time, then moved to the front. The last night he was at Nikolawew an officer told him that the SS had recently shot some Jews in a town further to the rear. Witness then left a message for the commander of the SS to the effect that he would not permit such activities. At the time he considered it as an excess of the SS and not as a Jewish incident.

The witness Ohlendorf had also claimed that Einsatzgruppe D within the area of the 11th Army killed 90,000 Jews in one year. Witness replied that in this area (from Chernovitz to Rostov - about 1200 kilometers long and 400 kilometers wide) 3 or 4 other armies operated, also 3 or 4 Russian armies. There were few Jews in this sector as they had already taken refuge. Also he was always in a battle area and if the SD did shoot Jews it would have been done in a lonely spot. At any rate with the exception of the above incident he never heard any reports of the shooting of Jews.

Witness was questioned regarding the Russian document pertaining to the shootings at Sebastopol in the caves of Inkerman. He stated that the population undoubtedly had taken refuge in the caves at Inkerman where a large amount of storage was kept. The Russians blew up the caves before the Germans got there in the largest explosion witness had ever seen.

The railroad station at Sebastopol was a Russian stronghold and a Russian armored train was in the terminal. Therefore, it had to be cleared out. Witness stated that they could not have known civilians were in the terminal and that they could not help the necessity of clearing it out.

Witness knew nothing of the shooting of 195,000 people at Kiev but considered it completely impossible as he was in Kiev in 1943 and heard nothing of it. Regarding the charge that 250 school children were poisoned at Kirch and 144,000 persons drowned in the Black Sea - both were termed impossible by the witness.

When witness was commander in chief of Army Group, South, in 1944 Sauckel wanted several hundred thousand workers from him. He opposed this as agricultural workers were necessary and he feared unrest among the people. He, therefore, told Sauckel that forceful measures were impossible. However, Sauckel promised the workers would be treated like German workers. (There is no evidence to show whether or not he got the workers.)

An individual in the German Army was not allowed to requisition anything. Only an Army or troop was allowed to do that. In the Ukraine in 1941 they found only a small fraction of horses and livestock. The claim of the Russians that the Germans took 7,000,000 horses from Russia is not feasible because that would have been sufficient for 750 divisions (4,000 to a division) and the Germans only had 150 to 200 infantries altogether.

Witness heard of the term "scorched earth policy" during the Russian retreat to the East in 1941 when they destroyed everything of value to the Germans, wheat, railroads, etc. The Fuehrer had ordered that the army area east of Dnyeper was to be rendered impossible for use by the Russian Army, due to military necessity, but Germans found railroad stations, communication systems, etc. already destroyed.

Witness stated that he limited the measure of destruction as far as possible. If a large amount of destruction was found it was due in part to the intense fighting.

Destruction of churches was caused in a large part because battle actions had taken place within the cities. Destruction in Stalingrad, Kiev, Charkov, Rostov, Oddessa, Sebastopol and Rovno was explained by witness as follows: Stalingrad was fought for house by house for an entire month. Sebastopol was defended as a fortress for eight months. Rostov and Charkov were taken twice by the Russians and twice by the Germans in battle, Kiev, Oddessa and Rovno were taken once each.

Destruction of industry was ordered by Economic Staff East under Goering but Germans found that almost all industry was completely destroyed already. (The oil works at Maikop, steel industry at Kirtsch and Manopal, tractor works at Sharkov and dam of Semoevopal).

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5. The Administration of Foreign Countries.

The military leaders wanted to treat the people in occupied territories correctly and decently but Hitler's idea was to give the soldiers as little influence as possible. For example, Poland became a government general immediately. In the West military administrations were appointed and were not under the jurisdiction of commanders in chief. In the East Reich Commissars and political administrators were introduced. The military leader had under his command only the actual operational area. Here he was only in charge of the security of the area, local administration and crops. Political questions concerning the population were under the Reichsfuehrer SS, particularly Office Rosenberg - also cultural questions. The economic administration was under Goering, re-settlement under Himmler, workers under Sauckel. Even the Air Force was independent. The SS was under his command for tactical use but the Organization Todt, the police and railroads were not under his command at all. Witness knew of the order of General Reichenau wherein he stated that there should be no consideration shown to the civilian population captured in his area, but stated that none of the other leaders were of the same opinion. Any excesses by the soldiers were tried by courts martial.

6. Non-Political Aspects of Military Leaders.

Witness stated that there was no unification of military leaders on General Staff to carry on political activity - that the soldiers mistrusted all political parties. Military leaders did not participate in political decisions and were not informed of them until after the decisions had been reached. The witness stated that, in addition, the giving of advice by a subordinate is an idea that does not exist in the German Army and that the idea of a military conference was never even considered. What military leaders were told depended on their rank: (1) the immediate groups surrounding Hitler, heads of OKW for example, were told earlier and more than others. They possibly could speak with Hitler before a decision was made public; (2) Commanders in chief of different army branches were not asked concerning decisions (with the exception of Goering) but they possibly could give advice concerning the military sphere of the project; (3) the commanders in chief of the Armies only learned of a decision after it had been perfected. According to the order of secrecy they only learned what was of immediate use to them.

Therefore, the meetings with Hitler before the commencement of a campaign or so on were merely demonstrations of his intentions and usually a general discussion of any kind impossible. However, Hitler was witness's immediate superior when he became commander in chief of an army group and he sent a large amount of correspondence to him concerning military matters. He tried to get him to give up his military leadership three times but without any success as Hitler had an iron will and witness could not convince him of the feasibility of this change.

In 1941 witness asked to be relieved as commander of the 11th Army but Hitler told him it was out of the question. In March, 1944 when he was commander of the Army, South, he again asked to be relieved and was dismissed three days later.

The Nazi aim of unification met with the approval of the military leaders but not Nazi methods. Selection of military leaders took place according to military standards although witness admitted that after 1938 an increasing number were removed because they were not adherents of National Socialism. After the seizure of power the opposition between the Wehrmacht and SA increased but Hitler intervened and averted a clash. Within the Wehrmacht itself responsibility for law and order was always maintained. If Hitler changed a law he was entitled to do so and they were bound by it.

The removal of the Hitler regime was deemed impossible by the witness. He wouldn't retire and his murder would have been a violation of their oath and it would have led to internal chaos. Even if the 20th July attempt of certain generals to murder Hitler had been successful, civil war would have broken out in Germany and it would have resulted in a complete

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military defeat. The soldiers themselves believed in Hitler. Witness stated that it is the duty of an officer to fight, obey orders and be loyal and the more critical the situation, the more he has to carry on.

With regard to the murder of General Schleicher, Hitler explained that Schleicher was killed because he had conspired with the French Ambassador. Witness had asked Field Marhsall von Blomberg to press for a military investigation of this but received the answer that it was impossible. Regarding the removal of Colonel Ten von Fritsch, if Fritsch had protested the generals undoubtedly would have followed him but he placed his own person in the background and did not do so.

Summarized by: D. M. HUNT

H1094 – 0084

SUMMARY OF EVIDENCE OF EDWARD WILLY MEYER-WENDEBORN

WITNESS FOR THE CORPS OF POLITICAL LEADERS

TAKEN BEFORE A COMMISSION ON

4 JUNE 1946 TRANSCRIPT PAGES 555 TO 570

5 JUNE 1946 TRANSCRIPT PAGES 587 TO 633

SUBJECT: The Part Played by Kreisleiters, Blockleiters, and Zellenleiters in the Third Reich.

After returning from the Army at the end of World War I, witness became a manager of a wine firm in Oldenburg. He entered the Party in August 1932. He became a political leader in 1933. He was first Ortsgruppenleiter in Essen from April 1933 to October 1934, and from October 1934 until the capitulation he was Kreisleiter in the Kreis of Kloppenburg. He also represented the Kreisleiter of Vechta and at first he was on an expense account but later on was officially employed and gave up his business. (pp. 555, 556)

I. Activities Relating to Article 6 of the Charter

1. Functions and attitudes of Nazi Party Kreisleiters

Kreisleiters had weekly discussions with members of their staff and with the local administration and had discussions with the Mayor and Ortsgruppenleiter every four or six weeks. At the meetings with the Kreis staff, leaders of the various offices, such as the Welfare Organization, the German Labor Front, Propaganda, and the Landrat, together with other local officials were present. There were open meetings and subjects which were of interest within the Kreis were discussed. (pp. 556, 557, 599)

All important business was passed on at these meetings but new orders were generally sent to the authorities of the Kreis through messages. No written instructions went any lower than Ortsgruppenleiter. Such instructions had to be passed on below that grade orally. With respect to the passing on of instructions below the grade of Ortsgruppenleiter, these could have been published by means of speakers, but for collection of dues and other administrative matters the Ortsgruppenleiter was dependent upon the assistance of the Blockleiters and the Zellenleiters.

Ortsgruppenleiters held meetings of political leaders subordinate to them at least once a month. These meetings were attended by the Zellenleiters and the Blockleiters. (p. 599)

Zellenleiters held meetings only when it was necessary that they should confer with the Blockleiters for the straightening out of the finances involved in the collection of money. (p. 600)

Witness met with other Kreisleiters every six or eight weeks and exchanged information. (p. 557)

The regulations prescribed in the Organization Book were in general followed in practice but it was impossible to require the local political leaders to adhere to the letter of this manual. Witness in his capacity as Kreisleiter received the Organization Book regularly but never studied it and never made it a phase of his work. His understanding was that it was suggested as the basis on which to carry out the work but he did not believe it had been given any official stamp or designation as an official organ or as an official order. (pp. 557, 558)

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Three Party officials, the Gauleiter, the Kreisleiter, and the Ortsgruppenleiter, could be properly called Hoheitstraegers. Blockleiters and Zellenleiters could not be considered as Party officials in the leadership sense of the word. The witness was aware of the fact that the Organization Book called these lower leaders Hoheitstraegers and the higher Nazi Party channels purported to consider them among the higher Nazi officials but this was a plan for the future and the Block and Zellenleiters themselves never carried out the function of "Party Leader". An order issued by the Deputy Fuehrer on 25 October 1934 stated that the political leadership lay alone in the hands of the Ortsgruppenleiter, the Kreisleiter and the Gauleiter. (p. 559)

The tasks of the Blockleiter and Zellenleiter were primarily concerned with the collection of dues, maintenance of membership lists, the additional wartime duties of air raid protection, and welfare work. These officials never had any staff. (p. 560)

None of the Hoheitstraeger had authority to employ the SS and SA. They could not carry out arrests and they could not confiscate property. Block and Zellenleiters were popularly called errand boys, doorknob cleaners, and stairs runners. (p. 560)

Witness was unaware of any instructions to Blockleiters and Zellenleiters requiring them to spy on the population. On the contrary, there were instructions which warned them against prying into other people's business. An example of this is found in Document 2639 PS, a regulation of 5 October 1936, in which the lower local leaders are warned against measures which will not gain them but lose them the confidence of the people. It was the intention of the Party that people who had grievances should take them to the Blockleiter or the Zellenleiter. (pp. 560, 561)

On cross examination it was elicited from the witness that when an individual went to his Blockleiter for advice, if the inquiry required anything more than the simplest advice, he was sent to the Ortsgruppenleiter who gave him only slightly more concrete information, such as to take his complaint to the District Administration or to make up with the other parties of the dispute. It was not the intention of the Party leadership that Blockleiters should be informed of these grievances in order that the Party could get busy against the offender. This involved procedure for everyday complaints was used because the Blockleiter was nearest to the individual, both in distance and in personality, and the aggrieved person had no embarrassment in speaking to him. (pp. 601, 602)

With respect to his denial on direct examination of any orders requiring lower political leaders to spy on their neighbors, the witness was shown Document D 43, dated May 26, 1936, in which Reichs Minister of the Interior, Dr. Frick, had sent instructions to all the Gaus requiring that a report should be made of all officials who had not fulfilled their duty by voting on the election of March 29, 1936. Witness could not explain why such reports were necessary if the election were a free election, nor could he explain why there were instructions that the orders should be destroyed. He pointed out that it was explicitly ordered that care should be taken against inaccuracy in the reports so that no wrong should happen to an innocent man. He did not agree that the Ortsgruppenleiters would have required the assistance of Blockleiters and Zellenleiters to gather the information necessary for this report on voting because the Blockleiters and Zellenleiters had no information or knowledge on voting qualifications. (pp. 605 to 608)

Blockleiters and Zellenleiters did not have files on opposition members of the Party. (p. 561)

Three types of offices could be distinguished in the ranks

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of the Political Leadership Corps. There were leadership offices, which were composed of the organization, propaganda, personnel matters, the staff office and the training office; the welfare offices, which would include the DAF. (the Labor Front) the Peasants Department, the Office for Civil Servants, the office for education, the NS Women's Organization, and the legal offices; and the offices which included the NSV or National Welfare Organization, the NSKOV which was the War Veterans Organization, Public Health Office, the office of municipal politics, the office of economy and the training, industrial and technical offices. The chiefs of the special offices were not responsible for the political training or the psychology of the people. This was handled by the training office of the Party. (pp. 561, 562, 563)

There was a difference between factual and philosophical training and there was a political training which was quite different from the propaganda training and was the concern of the Party. The Leadership Corps had nothing to do with the professional training. (p. 563)

Witness testified that during his time of internment he assisted in gathering statements from political leaders of Northern Germany who were also interned with him at Camp Falibostel. These statements concerned the same subject matter as his direct testimony and from his knowledge of these statements he could say that the actions, conduct and opinions of the political leaders in other Gaus and other districts coincided with his, as expressed in his testimony. On cross examination he testified that these statements were statements of people who knew that they belonged to an organization which was being tried as a criminal organization. (pp. 596, 597, 630)

On cross examination the witness testified that the Ortsgruppenleiters had propaganda assistants called the Ortsgruppen Propaganda Leaders. These men had the task of advertising meetings and conventions. Political education was under the Schulungsleiter who was supervised by the Ortsgruppenleiter but was actually within the jurisdiction of the Gauleiter. The reading of "Mein Kampf" was usually ordered from higher authority, but not everyone knew the book. Only certain citations were commonly used; although it was considered the Reichs Basic Political Training Manual, and witness was familiar with the suggestion in Document USA Exhibit 323 PS 1893, dated 1943, page 112, which suggested that chapters from "Mein Kampf" be read at meetings held by the Zellenleiter. To the witness, this direction bore out his statement that the Zellenleiters were not usually considered trustworthy nor intelligent enough to make original statements.

Witness had bad connections with the State police because he had complained to them of arrests of people who had listened to radio broadcasts of Allied war propaganda. The witness agreed with the procedure outlined on pages 132 and 134 of the Organization Book that the Kreisleiter should prevent public manifestations which were contrary to the aims of the Party and that in serious cases it was his duty to inform the Gauleiter and in the most serious cases he should report to the Gestapo authorities. (p. 626)

He admitted that his jurisdiction in this respect was not limited to members of the Party but extended to all persons who might carry on such meetings. (pp. 626, 627)

Blockleiters and Zellenleiters had similar duties within their sphere and so had all people in the community. (p. 628)

With respect to his statement that political leaders had no right to ask the cooperation of the SA, he was shown page 71 of the Organization Book which allowed the ranking representative of the Party to requisition the SA within his zone when it shall be necessary for

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the execution of a political mission. On the strength of this document he was made to admit that he could call upon the SA for participation in political tasks within his district. (pp. 629, 630)

2. Interference with Church Activities

Witness resigned church membership in 1938 because he disagreed with the behavior of the Protestant Church during the immediately preceding years. This action was not requested of him by the Party and he did not request any of his political subordinates to resign their church membership. Political leaders within his orbit enjoyed complete freedom of conscience and activity, with respect to church matters, and witness did not tolerate any measures against the church within his jurisdiction. Any differences were ironed out by means of conversation with the local clergy. Church institutions remained in the hands of the ecclesiastical authorities until the very end. When there was a time conflict between religious services and political events, steps were taken to eliminate the conflict. The witness strenuously opposed the 1936 decree requiring the removal of religious emblems from school rooms and he also opposed the decree from the Reich Main Security Office which forbade the saying of early masses on the mornings after air raids. His efforts against these measures were ultimately successful and these prohibitions were lifted. (pp. 563 to 566)

Guards from the concentration camp at Esterwegen appeared at a church festival and behaved in a disorderly manner. With the approval of the witness the police force of Oldenburg was employed to bring about order and the disturbers were arrested. The Reichsfuehrer SS personally appeared and secured the release of these guards. (p. 569)

3. Participation of the Political Leaders in Anti-Jewish Activities

Political leaders in the district of the witness played no part in the persecution of the Jews of 1938. Witness was in Oldenburg at that time and he first heard of the demonstrations early in the morning when the small synagogue there had already been burned down. He went to the locality, looked over the situation and then called up the Gauleiter. The Gauleiter was still in Munich and the person in charge of his office prohibited any participation of the Party in these demonstrations. Witness was informed by the Landrat (administrative head in his district) that three or four old Jewish people had been delivered to him by SA men and witness secured the immediate release of these Jewish people. None of the political officials in witness' district received any profit from the anti-Jewish activities. The Jews sold their goods and emigrated. Expulsion of the Jews from the area was under the supervision of State police. (pp. 588 to 590)

On cross examination the witness was shown Exhibit PS 051 US 250, a teletype report from Heydrich, dated 10 November 1938, in which the Chiefs of the State Police were instructed to contact the local Gauleiters and Kreisleiters for the joint management of demonstrations. Witness did not know of this high order or of any similar order requiring political leaders to participate. He did not believe that Heydrich had any power to order the Gauleiters to do anything but he could not offer any explanation as to why Heydrich had suggested that the police contact the political leaders. He believed that such cooperation would have required previous arrangement and there had not been any. He conceded that the political leaders had believed that the influence of the Jews in Germany should be reduced to the percentage that their number bore to the entire population. (pp. 621, 622)

He had observed no organizational participation in Jew-baiting by political leaders. He was shown a letter, dated June 3, 1933, on the Propaganda Department of the Gau Coblenz, addressed to the Kreis Directors and entitled "Jew Baiting", which ordered the District Director to set

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up a committee for such activities and also directed that the Ortsgruppenleiter should set up secret sub-committees. He denied any knowledge of this letter or the procedure indicated under it. He said that he would not have called anyone for this type of activity but that if he had called anyone he would have gotten the assistance of the propaganda leaders of the Ortsgruppen and a few old Party members, not the Zellenleiters or the Blockleiters. (pp. 622, 623)

4. Treatment of Foreign Workers

The treatment of the foreign workers in the district of the witness was good. These were generally billeted in the houses of the farmers. In individual cases of mistreatment of foreign workers, the latter were immediately taken away from the particular employer. It was the duty and the general practice of Kreisleiters to criminally prosecute all Germans who mistreated foreign workers under their control. (pp. 589 to 593)

On cross examination the witness conceded that it was against the moral laws to compel women foreign workers in Germany to have abortions or to give up their children and have them brought up elsewhere. Witness never took part in any such activities himself nor was it part of the duty of the political leaders. He was shown Document D884, dated March 28, 1944, by the Gauleitung of Baden Alsace, which dealt with the treatment of pregnant foreign workers and children to whom they had given birth within the Reich. Despite the fact that this document was addressed to the Gau Labor Office, he denied that the Gauleiter had any concern in this matter and he claimed that the Gauleiter of Amt IV of National Health was on the distribution list only as a matter of information. From the body of this document he was shown explicit instructions that the Kreisleiter was to report all cases of pregnancy and births within his district. He was asked as to whether he would need assistance in performing this task in his district and he testified that he would have discussed the matter at the next meeting of the Ortsgruppenleiters, the Peasant Leaders and the Labor Front Leaders. He believed that the Peasant Leaders would have had the best information on this because whenever a mother went through pregnancy she was dropped from the working rolls, and the Peasant Leaders had the task of supplying another worker. He would have been much better qualified for this task than the lower political leaders. (pp. 614 to 619)

The witness was shown a list of pregnancies, abortions, births, and still births from the same document. (pp. 619, 620)

5. Allied Fliers

The district of the witness was along the main route of planes from England to Germany and there were many emergency landings in that area. In addition, during the last few months of the war, movement on the streets during the daytime was prevented by strafing activities of fighter planes. Despite intense bitterness of the population against this conduct, the population did not indulge in acts of self-justice and the political leaders did not urge them to. The witness knew generally of the speech of Goebbels and the Bormann Decree, which incited the people to acts of reprisal against enemy fliers, but the political authorities continued to turn captured fliers over to the Army. Members of the population who gave them temporary shelter were not molested for this humane treatment. (pp. 593, 594)

The witness did not remember the order by former Deputy of the Fuehrer, dated March 13, 1940, (Document PS 062 US 696), under which enemy parachutists were to be immediately arrested or liquidated. Such an order had not been passed down to him and he believed that this order required the commission of murder. He would not have carried out such an order if it had been passed on to him. He avoided answering the question as to why, if the purposes of the political leadership were non-criminal, such an order should even be issued to political leaders. (p. 603)

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II. Evidence of Voluntary or Compulsory Membership

Political leaders all voluntarily occupied their offices. With respect to Blockleiters and Zellenleiters, these were appointed by the Ortsgruppenleiter after discussion with his staff. However, if a person considered himself unable to perform the duties of the position he could decline. Thus it was decidedly voluntary on the part of the Zellenleiters and Blockleiters whether they accepted the position or not. (pp. 598, 599)

If a man could state that due to his office he was unable to take care of his business or his family he could request release from his Party duties and this was usually granted, and if a Gauleiter or a Kreisleiter disapproved of the way the State was being run by the Party, he had only his sense of responsibility to prevent him from resigning. Witness believed that if an official had a sense of responsibility, then he would have stayed on in order to prevent wrong occurrences from happening again. (p. 620)

III. Knowledge of Criminal Activities

Witness was aware that there were concentration camps at Esterwegen, Dachau and Oranienberg. At one time he applied for permission to visit Esterwegen but he was advised that he should secure the approval of the Reich Main Security Office. The Camp Commandant at Esterwegen informed the witness that he could not imagine what a Kreisleiter wanted to do in his concentration camp. Witness was not satisfied with this reply and took the matter up with the Gauleiter, from whom he received instructions to let the matter rest. He never received any official or unofficial information about concentration camps and he had no opportunity to exert any influence over the SS men who guarded these camps. In general, the SS were very hostile towards any suggestions coming from any level of the Political Leadership Corps. The same independence was noticeable in the attitude of the Gestapo toward the political leaders. (pp. 567 to 569)

Witness once wrote an appeal for clemency for an inmate of a concentration camp and received an answer from the Camp Commandant that the inmate in question had not sufficiently improved to be given clemency. (p. 569)

In 1933, after Hindenburg's death, the rural riding clubs were transferred to the SS and members were put under oath of allegiance to Hitler. In the district of the witness eleven young men refused to take this oath and were thereafter arrested. An associate of the witness who was a political leader and wearer of the honor badge interceded personally with the Reichsfuehrer SS for the men but it was only after they had spent five or six months in a concentration camp that the efforts of the political authorities were successful in securing their release. (pp. 569, 570)

The witness did not know of a decree with respect to the compulsory sterilization of persons with hereditary diseases. He was referred to Document D 181, which was a letter, dated 21 January 1937, from the Gauleiter's office at Westfalen-Sud, and to language in it which required that ethical, moral and political attitude should be a consideration in the determination of whether a particular person was a person who had a hereditary disease. Witness admitted that he once participated in the examination of a nature healer and drunkard, who was supposed to be sterilized. The witness asked that action on this individual be postponed until the end of the war. He was not able to explain why it was necessary to examine the political views of such a man in determining whether he was one who qualified as a person suffering from a hereditary disease. (pp. 609, 610)

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The witness admitted that he had heard rumors that somewhere in Germany people with incurable diseases were to be liquidated or removed. He admitted that that was murder and he testified that he had inquired of the Gauleiter concerning this rumor and was reprimanded for running to the Gauleiter with fables. He admitted that, if the political leaders took even an insignificant part in the business of these institutions, it was an illegal organization. He was shown Document PS 1969, a letter dated 31 December 1940, from the Reichs Minister of the Interior to the Gaustabsamtsleiter in Nurnberg, which referred to an inquiry by a Mrs. Marie Kehr regarding the possibility of legally relieving people of their incurable sufferings. The letter requested an investigation of the political reliability and church connections of Mrs. Kehr. The witness ventured the opinion that her church affiliations were requested because it might have been thought that this inquiry originated from hostile church authorities. (pp. 611, 612)

Witness believed that the investigation in this case would have been carried on by the Ortsgruppenleiter but he denied that it was the normal duty of political leaders to make inquiry as to the political attitude of people in connection with Nazi laws, such as these. (pp. 612, 613)

Summarized by:

J. S. CONWAY

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SUMMARY OF EVIDENCE OF JOHANN ADAM MOHR

WITNESS FOR THE CORPS OF POLITICAL LEADERS

TAKEN BEFORE A COMMISSION ON

19 JUNE 1946 TRANSCRIPT PAGES 1424 TO 1434
20 JUNE 1946 TRANSCRIPT PAGES 1435 TO 1463

SUBJECT: Organization, aims, and activities of the Agrarpolitischer Apparat in Reichsamt (Counsellor of Farmers' Affairs); its successor, the Amt fuer das Landvolk (Office for Farmers); and the Reichsnaehrstand.

The witness held various important positions in the Agrarpolitik structure of the Party from 1932 to 1945: In 1932 he was Counsellor of Kreisleiter in Farmers' Affairs. In 1934 he was deputy; then Gaufachberater at Wurzburg. When the Agrarpolitischer Apparat was dissolved in 1942, he carried on as Guaamtsleiter for its successor, the Landvolk. In the Reich 1934 to 1936 he was Kreisbauernfuehrer (leader of farmers) at Aschaffenburg. From 1944 until end of war, he was Landeshaupteilungsleiter at Munich---of Section One and then Section Two. (pp. 1424 to 1428)

I. Activities relating to Article 6 of the Charter

1. Organization of the Reichsnaehrstand and the Agrarpolitischer Apparat

Before 1930 there existed in Germany a professional organization of farmers called the "Bauernkammer" in Southern Germany; "Landwirschaftskammer" in Northern Germany. Operating in conjunction with this were the political movements of the Party: The Christian Farmers' Association, German Land Bund, and in Southern Germany the Bauernbund. About 1930 Hitler became interested in organizing farmers and Darre, the Minister of Economics, organized the "Agrarpolitischer Apparat" (Counsellor of Farmers' Affairs). In 1933 a law was passed creating in addition, the Reichsnaehrstand, a public corporation, which became the only organ for all farmers and all of above farmers' organizations were absorbed in it. The Agrarpolitischer Apparat set up by Darre consisted of a coordinated advisor in each office of the Hoheitstraeger of the Party (the Kreis, Ortsgruppe and Gauleiters) whose task it was to counsel the Hoheitstraeger about problems of farmers, to inform farmers of Party positions, and counsel them on their problems. When the Reichsnaehrstand was formed, the office holders in the Agrarpolitischer Apparat in most cases also became office holders in Reichsnaehrstand in same area and level, receiving instructions from professional supervisors. (That is, the advisor on farmers' problems in the office of the Party Hoheitstraeger became the official of the Reichsnaehrstand with title of Landesbauernfuehrer; farmers' counsellor in Kreisleiter became Kreisbauernfuehrer; and on the level of Ortsgruppe, the Ortsbauernfuehrer.) In 1942 Darre was forced to resign and Agrarpolitischer Apparat was dissolved. However, Bormann created a new office called "Amt fuer das Landvolk" (Office of Farmers). Under the new setup the basic organization remained the same, and hence Bormann's attack against the independent organization of farmers was ineffective. (pp. 1426 to 1428)

2. Evidence in support of claim that Agrarpolitischer Apparat experts were not "Political Leaders"

The expert advisors to the Hoheitstraeger (the Agrarpolitischer Apparat and later "Amt fuer das Landvolk") could not be termed staff officials of the Gauleiters and Kreisleiters, inasmuch as they had no political leadership functions. For example, the staff of the Gauleiter consisted of an inner and an enlarged circle of staff officers. The inner circle was comprised of the Deputy Gauleiter, the Gaustabsamtleiter, the leiters of the training system, personnel, propaganda, and press. The enlarged circle included the man in charge of the Agrarpolitischer Apparat, the NSV, man in charge of students and teachers,

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Commander of Army in the area, the man in charge of forests, and other like officials. A remote circle of State officials could also be considered as a third circle.

The enlarged staff, including all circles, held meetings as were needed, monthly, every second month, etc. At these meetings all questions concerning the Kreis or Gau were discussed. They were not secret and press was invited. At first Agrarpolitischer Apparat contributed periodical reports but after creation of Reichsnaehrstand the office holder of the Reichsnaehrstand simply gave Party Hoheitstraeger a copy of his monthly report, which dealt with all questions of concern to farmers. The outer circle did not participate in conferences held by inner cirlces. (pp. 1430, 1431)

The Organization Book of Party showed organization of Agrarpolitischer Apparat as consisting of a number of main offices and subdivisions ("Hauptstelle"), concerned with the following: press and propaganda, farmers' culture, questions of blood of German farmers, farmers' training, agricultural economics and personnel--farmers settlements, legal problems, and employees. The witness testified that far from having all the above sub-offices in his office, he had one young man for all his paper work, and to his knowledge these offices were not filled in other Gaus. The Agrarpolitischer Apparat counsellors were subordinated to the discipline of Party just as every individual was, in accord with the totalitarian claim of Nazi Party, but they did not have any part in political judgments and the Agrarpolitischer Apparat officials could not be considered as Political Leaders. But as they were subordinate to the Party on one hand and on the other hand received professional instructions from their farmers' organizations, this created a conflict, with Hess, Bormann and Goebbels finally engaging in an actual fight against the Agrarpolitischer Apparat. In 1942 Darre was compelled to resign and was succeeded by Backe but farmer leaders still continued to refuse to accept full time positions in service of Party.

In 1944 witness participated in a farmers' conference held in Munich at which time Oberbefehlshaber Friedrichs complained that the new organization (Office of Farmers) had been set up one and a half years and had accomplished nothing. (pp. 1431 to 1439)

3. Attitude towards Church

Darre issued an order to the effect that farmers' leaders were not permitted to leave the Church. Those wishing to leave had to resign from Party office first. But in 1940 Darre issued a secret order to the Landesbauernfuehrers suspending this order. (pp. 1439, 1440)

4. Treatment of Jews

As far as Agrarpolitischer Apparat was concerned, no measures were taken with regard to race theory. Jews dealt to a large extent with selling of cows and other livestock in rural areas. They were permitted to continue until their establishments were aryanized by the State. (pp. 1440, 1441)

5. Political Persecutions

Agrarpolitischer Apparat and its successor, Office for Farmers, usually heard only through his family that a man had been arrested. Party never gave them that information. Their first concern was to see that the operation of his farm continued and then they contacted police or other State authorities in order to help the person. Witness recalled one man they were able to get out of a concentration camp and several whom they prevented from being sent to camps. The man who got out later told the witness his rations were quite good and the treatment correct in the camp. (pp. 1441, 1442)

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6. Foreign Labor

The allotment of foreign laborers was handled by the State office of labor supply. Their living arrangements were handled by an officer of the Reichsnaehrstand, the Betriebsgefolgschaftswart (man in charge of plans and farms). Witness heard complaints from both sides but in proportion to the number actually employed they were very few. When employer and employee were unable to agree, and if conflict was brought to the attention of the Reichsnaehrstand, the local official was called and he tried to smooth things out. If it was found that employer was in the wrong, then employee was given another job. Even if employer was right the complainer was usually transferred to another job. Witness testified that in practically all cases the foreign laborer was accepted in the farmer's family unit and they were treated like any German employee on the farm. Witness knew of instructions which prohibited foreign laborers from entering German restaurants or public conveyances and which gave employer right to punish them, but in most cases the offices of Reichsnaehrstand didn't even pass it on as they were well aware it wouldn't be observed in farming districts. All in all, cases of mistreatment of foreign laborers were very few. (pp. 1442 to 1445)

7. Aviators

Only after war did the witness hear of any orders issued to the effect that population could lynch or mistreat Allied flyers. During an air attack at Schweinfurt, American bombers bailed out and were arrested by farmers who turned them over to the Army. (pp. 1445-1446)

II. Knowledge of Criminal Activities

Agrarpolitischer Apparat or its successor, Office for Farmers, or the Reichsnaehrstand did not engage in any kind of activity which could be characterized as the preparation for aggressive war. Witness never participated in conferences or meetings wherein matters which are considered criminal were discussed by farmers. (p. 1446)

Summarized by:

D. M. HUNT

H1094-0094

SUMMARY OF EVIDENCE OF KARL GUENTHER HOLT,

WITNESS FOR THE SS TAKEN BEFORE

A COMMISSION ON

14 JUNE 1946 TRANSCRIPT PAGES 1146 TO 1156

SUBJECT: The innocuous nature of education taught to officer candidates at the SS Junker schools.

In 1937 witness was supervising chief of the Junker school in Brunswick. In 1941 and 1942, he was educator at the school of Toelz. He himself had been a student of the Toelz school in 1934.

I. Activities relating to Article 6 of the Charter

Nature and Character of the Education Given in the SS Junker Schools

The first classes in the SS Junker schools consisted of 123 men selected from 4800 volunteers. These were given a pre-school training and all but 8 eliminated. The 8 attended the first SS Junker school class and 4 passed. (P. 1146).

The following qualifications were required of candidates for the Junker schools: they had to have served a time with the Waffen SS on military duty; they must have proved their ability as non-commissioned officers in these units; and they must have displayed ability both as soldiers and as leaders. During time of war it was also required that the candidates should have been decorated for bravery. No educational or background requirement was established. (P. 1147).

These schools were intended to train the coming leaders of the Waffen SS. The men were supposed to carry the education they had received in the schools to the lower ranks when they returned to their units. The final goal of the training was the development of a person of high moral, physical and spiritual standards. The spiritual ideal was modeled on the code of the former knights who used to be all over Europe. There was no intention to form a caste of Herrenvolk, but it was hoped to unify the countries of Europe for the protection of a united culture against Asiatic influence. The Christian culture constituted a part of this Western European culture, although the doctrines of no particular denomination were emphasized. The students could attend the church of their choice. (Pp 1147 to 1149).

There were 16 actual courses within the schools, divided along the main lines of military courses, political courses and sports or athletic courses. The basis for the teaching of tactics was in the orders of the Army. In this phase, the goal was the training of a man who would be ready to take over the duties of a front-line platoon leader.

A Junker school education did not advocate power measures or the brutal carrying out of warfare. Bravery and hardness were encouraged, but not cruelty. (Pp. 1149 & 1150).

Students were tested concerning their knowledge of the Army regulations regarding treatment, handling and transportation of prisoners of war. The witness mentioned an order of the Fuehrer of June 1940 which enjoined respect for the enemy civilian population upon the soldiers. This order was issued after the occupation of France and included a warning against excessive drinking. (P. 1150).

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In general, the education in these schools was not such that could be said to lay a foundation for the carrying out of crimes during war. Special emphasis was placed on education along lines of character development. There was no basis upon which the extermination of certain races could be traced to the education given to these SS candidates. (Pp. 1150 & 1151).

The SS Junker schools and the schools of the Army had the common goal of producing a good troop officer. There was the added element of political emphasis in the SS schools. The schools reached their highest point in 1942 when there were in attendance volunteers from all over Europe. (P. 1151).

In the time prior to the witness' transfer from the school system in December 1942, there was advocated in these schools as a solution of the Jewish question, that the Jews should be transferred to ghettos or working camps during the war, and then that an orderly emigration should be resumed. The witness admitted that if, already in 1941, hundreds and thousands of Jews had been murdered, this teaching was in direct contradiction to what had been already adopted as the actual solution. (P. 1151)

Witness expressed the opinion that the war in the East was particularly severe because two worlds were fighting against one another. The Commissioner ruled that this was immaterial on the issue of the innocence or criminality of SS leadership training. (Pp. 1151 to 1152).

Students received training in the Army courts martial system and in courts martial law. They attended actual trials and they received copies of reports from the SS main office. This training was intended to educate the men on the rights and wrongs of war. (Pp. 1153 to 1154).

The Party had no influence on political education in the Junker schools. The witness never saw a Nazi Party member at these schools, nor were any speeches given by Party men. On cross-examination, the witness was not sure, but he thought that Hitler's book, "Mein Kampf" was used in the political education phase of the training program. (P. 1155).

The Commissioner questioned the witness with respect to the killing by SS troops of unarmed enemy medical personnel. The witness denied this and asserted that, on the contrary, captured medical men were used to treat captured wounded enemy troops. (Pp. 1155 and 1156).

Summarized by:

J.S. CONWAY

H1094 – 0096

SUMMARY OF EVIDENCE OF RICHARD MUELLER

WITNESS FOR THE CORPS OF POLITICAL LEADERS

TAKEN BEFORE A COMMISSION ON

1 July 1946 Transcript Pages 2172 to 2200
2 July 1946 Transcript Pages 1671 to 1677

SUBJECT: 1. Personnel Composition of the Various Offices of the Party Administration.

2. Non-Participation in Conspiracy or Crimes of Political Leaders in the Party Administration.

Witness began the study of law at the University of Munich in 1924. He joined the Nazi Party in 1930 because he believed that it was possible that one strong Party under strong leadership could relieve the unfavorable situation created by the enmity of twenty-seven antagonistic parties under the Republican Regime. From 1938 he worked in the Center of Administration in the Nazi Party. From 1938 to 1940 he was loaned by the Bavarian State Administration in which he was counsel to the Treasurer of the Nazi Party and in 1940 he was transferred from State service to the service of the Party. (pp. 2172, 2173)

I. Activities Relating to Article 6 of the Charter

1. Personnel of Party Administration, with particular reference to the Office of the Party Treasury

Witness was in charge of principal personnel matters and their bearing on fiscal and financial affairs within the Administration of the Party. He was particularly concerned in the pension and salary system of the Party. (p. 2174)

The witness testified that the chart contained in the Organization Book of the Party, Document P.S. 1819, did not fully represent the facts, with respect to Party Administration. Party Administration was an organization of its own within the Party organization and included associated and affiliated organizations as well as the Party. As a result, the Treasurer of the Party was not only the Treasurer of the Gau but also the chief of the administration offices of the affiliated militant organizations, such as the SA and the SS. He was also chief of the financial administrative offices of the non-militant organizations, such as the NS Women's Leadership Organization and the NS Dozentenbund (teachers' organization). In addition, the Treasurer of the Party was in charge of the financial management of such other associated organizations as the NSV, a National Socialist Welfare Organization. (p. 2175)

The officers subordinate to the Treasurers of the Party within the body of the Party were called the Gauschatzmeister on the Gau level and the Kassenleiter on the Kreis level. Most officials within the office of the Treasurer of the NSDAP or in his subordinate offices were professionally trained people from industry, Civil Service or the professions. It was required that they should have a good character and adequate professional training. Not too much attention was paid to length of membership within the Nazi Party. Several such positions were occupied by people who were not Party members and there were some instances of women holding these positions. All tasks within the Treasury were purely administrative in character. (pp. 2175, 2176)

The organizational structure of the Treasury within the main office of the Party was as follows: (1) Financial Affairs, employing accounting and banking specialists and concerned with fiscal matters; (2) the Surgeon's Office; (3) the Personnel Office which dealt mainly with questions of salary,

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pension and employees' contracts; (4) Administrative Office which was subdivided into the Economic Office, and the Office for the Four-Year Plan and the Office of Buildings and Structures; (5) the Legal Office of the Treasurer, which contained also a division for membership and admissions; (6) Comptroller's Office, which was in charge of financial inspection; (7) the office in charge of insurance; and (8) the office charged with welfare and equipment. (p. 2176)

Employees of the Treasury were hired only by the Reich Treasurer himself. Such people became fully employed, professional employees, such as were called office holders (Amtstraeger) after 1944. The Treasurers of the local groups were paid workers, although there were a few unpaid honorary workers among the Kreis workers. Generally speaking, until 1941 or 1942 employees of the Party received lower wages than State employees and did not receive any special privileges. (pp. 2177, 2178)

Some of the employees of the administrative offices of the Treasury were given the rank of political leader. This title was not given out on the basis of the kind or quality of the work performed by the individual but was simply the working out of a Nazi policy that all employees who held office should become political leaders sooner or later. (p. 2179)

There was a sharp distinction between people working for an administrative body, such as the Treasury of the Party and those who were active in the political leadership of the Party. The political leadership of the division of the Party organization was first headed by Hess and then came under the jurisdiction of Bormann who was the expert advisor to the Fuehrer. The Treasurer of the Party, Schwartz, was the only Reich leader who was not subordinate to these men. The result of the fact that the Reich Treasurer was independent of the top political leader was that the political leadership had no influence on Party administration and the converse was also true. This distinction between Party leadership and Party administration was recognized in the order issued by the deputy of the Fuehrer on June 2, 1933 and in the law guaranteeing the unity of Party and State, which was issued on December 1, 1933. (pp. 2179 to 2181)

The distinction between Party administration and Party political activity was reflective in the personnel policy of the Party. There were separate personnel offices for political leaders and for the administrative employees, and in the field of fiscal administrative policy there existed a special personnel office, which was under the Reich Treasury. People who were hired for work in the political activity division of the Nazi Party were hired by the Hoheitstraeger on the different levels. (p. 2181)

There were some instances in which the Reich Treasury hired people to act as Gau Treasurers who were not the choices of the Gauleiters. Likewise the witness knew of an instance in which the Reich Treasurer employed a man who had been termed unfit by the Office of the Supreme Court of the Party. (p. 2182)

People employed within the political leadership phase of the Nazi Party were subordinate to the head of their professional Reich office on the Reich level and to their Gau office as well as to the Reich office on the Gau level. (p. 2182)

People subordinate to the Reichsschatzmeister (Reich Treasurer) who were given the rank of political leaders were still subordinate to the Reich Treasurer. (p. 2183)

It was contemplated in 1938 to give a special rank insignia to employees within the Administrative Division of the Nazi Party, which would characterize them as not having any political authority. The Treasurer of the Party, Mr. Schwartz, opposed such a plan because he believed it would lead to discrimination against his employees and would prevent any of them from holding their standing among the political leaders. (p. 2184)

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2. Attitude of Administrative Employees of the Treasury Department toward the Political Leadership of the Party

The Reich Treasurer, Mr. Schwartz, maintained friendly relations with some of the Gauleiters but had a very low opinion of a large number of them. There were a few Gauleiters whom he would not even speak to and there were a number of Reichsleiters toward whom he held a hostile point of view. (p. 2184)

3. Attitude of Nazi Party Administrative Officials toward the Party Program

The witness testified that, in the light of the official pronouncements by the Fuehrer, the points of the Party Program which sought a united Germany, the abrogation of the Versailles Treaty and the demand for colonies could not have been interpreted as part of a conspiracy to dominate the world. The people within the Party Administration had no opportunity to take an official position on these matters but, to the witness' knowledge, he and his colleagues were convinced that these objectives could be realized in a legal and peaceful way through the medium of negotiations. (p. 2185)

The administration of the Party was not prepared for war. It was not until the latter part of August 1939 when, on the basis of news reports, the Reich issued orders to make essential preparations in event that war should be declared. The witness himself had to hastily draft wartime salary and pension regulations. (pp. 2184, 2185)

4. Non-Participation of Party Administration in Criminal Activity or in a Conspiracy toward War and Crimes

The Party Administration had nothing to do with the anti-Jewish activities of November 1938. (p. 2185)

On cross examination the witness admitted that he was familiar with the race problem in general and knew of the boycott of 1933. He clearly stated that his duties did not bring him into contact with the Jewish problem but he stated that it was the prevailing opinion, with which he agreed, that the political and economic influences of the Jews were all out of proportion to the ratio of the Jews in Germany to the total population of Germany. The witness remembered the anti-Jewish demonstrations of 1938, and he knew of the aryanization of the Jewish businesses. He claimed that, at least, as far as the personnel in the Treasury Administration was concerned, these measures were rejected. (pp. 2192, 2199)

Witness testified that the financial advisors and the Treasury Administration officials took no part in the aryanization of Jewish property. (pp. 2197, 2198)

The Administrative Branch of the Nazi Party organization had no part in the financing of concentration camps. These camps were not a concern of the Party. The witness remembered that many rumors were spread regarding the treatment of people in the concentration camps. However, the witness did not remember any order by Rosenberg that people should be fully instructed that these rumors were untrue. (p. 2188)

The witness testified that officials in his category were not informed by the Party officers superior to them of any plans of the Supreme Party Leadership for the preparation of war and crimes against the rules of war and against humanity. He also testified that they were not informed of any crimes which were a consequence of the execution of such plans. (p. 2188)

The witness knew of the special assignment from Hitler to Rosenberg under which Rosenberg was to take care of the works of art in the occupied territories. It was his belief that these works were to be held for use in the event of a victorious conclusion to the war. He did not know that any art treasures were put at the disposal of leading personalities. He testified

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that Einsatz Rosenberg was not a Party formation and had nothing to do with political leaders. It was a special assignment from Hitler to Rosenberg personally and the latter employed in his project police leaders, domestic and foreign scientists drafted for the duration of the war. (pp. 2188, 2189)

The Reich Treasurer paid the salary and expenses of Einsatzgruppe Rosenberg but this fact did not warrant the conclusion that these duties were ordered by the Party. There were a number of other instances in which the Reich Treasury paid the expenses of non-Party organizations. Such a financial arrangement was made because the Reich Treasury could more rapidly and efficiently handle the financial affairs of such a project even though it was not part of the political structure. (pp. 2189, 2190)

On cross examination the witness admitted that he knew that there were concentration camps and that he personally had come in touch with foreign laborers working in the Reich. Several times, without responsive answer, he was asked whether the Nazi Government was responsible for the persecution of Jews, the system of concentration camps and foreign labor employment in the Reich. At first, he said that concentration camps were not introduced by the Party and the Party Administration had nothing to do with it. Finally he answered that it was his opinion that the Government was responsible for such methods. He was then asked whether the Government could have existed without the Corps of Political Leaders and he said that it was possible in theory. Pressed on the question of whether it was possible in fact he answered that he did not know just how far Germany depended upon the Corps of Political Leaders. He admitted that without financial advisors the Gau Administration could never have financed Party activities and that the State Government could not have existed without financing. He was asked whether or not he, as financial advisor to the Gauleiters, was performing an essential part in the Treasury Administration and he said that he was as far as the Personnel Sector was concerned. He was then asked whether it was not true, then, that he and the other financial leaders were performing a vital task in a system which maintained concentration camps, persecuted the Jews and practiced slave labor. He replied that they could hardly have been made responsible for something of which they knew nothing. He was reminded that he had already testified that he knew that Jews were being persecuted and that slave labor was being employed in Germahy. The witness insisted that Party Administration had nothing to do with these things. Cross-examining Attorney reminded the witness that Nazi Government relied upon the Party and, without the Party, Nazi Government would never have come into power or stayed in power. (pp. 2195, 2196)

5. Supplementary Affidavit of the Witness

The witness was allowed to submit an affidavit containing some twenty-seven questions and answers, which dealt principally with the allegation of the Defense that political rank within the Party was not given on the basis of importance of the individual or the value of the services he performed within the Leadership Corps. This affidavit is set forth on pages 1673 to 1677 of the transcript.

Summarized by:

J. S. CONWAY

H1094 - 0100

SUMMARY OF EVIDENCE OF ALFRED HELMUT NAUJOCKS

WITNESS FOR THE SD ORGANIZATION TAKEN BEFORE

A COMMISSION ON THE 23RD OF MAY 1946

TRANSCRIPT PAGES 491 TO 512 AND

PAGES 101 TO 130

SUBJECT: The SD and Crimes against Peace with Particular Reference to the Attack on the Gleiwitz Broadcasting Station on the German-Polish Frontier (Document PS 2751).

Before examining the witness, Defense Counsel asked whether Amts 3, 6 and 7 of the RSHA (Reich Security Main Office) were indicted as part of the SD (Page 491). He statedthat he was under the impression that the Prosecution only understood Amt 3 to be part of the SD and based this view on Page 1696 of the German transcript (speech of the Prosecution). Amt 6 was the Foreign Information Service and was included in the Military Information Service and Amt 7 was concerned with scientific research. Prosecution stated that the whole of the SD was indicted and it was, therefore, decided that since Amts 6 and 7 were considered part of the SD they were included.

I. Activities relating to Article 6 of the Charter.

1. Aims and tasks of the Amts 3 and 6 of the RSHA.

The orders to carry out the Gleiwitz incident were given personally by Heydrich.

Witness stated that he had made an affidavit, Document PS-2751, regarding his participation in the incident ofthe Gleiwitz Broadcasting Station. He did not belong to the SD office Amt 3 but to Amt 6 of the RSHA (Page 492). He did not know the exact tasks ofAmt 3 but at any rate the border incidents in August 1939 were not part of their activities (Page 493) nor were they of Amt 6 which collected foreign and political information. There was no department for such special jobs in the RSHA (Page 494).

In the case of the Gleiwitz incident witness was given the job by Heydrich personally. The SD offices (Amts 3, 6 and 7) were not employed on this incident nor was witness given the task because of his membership in Amt 6 (Page 496) but because Heydrich knew him personally (Page 497). He received the order from Heydrich direct and Amts 3, 6 and 7 did not know of the incident when it was planned nor did they give them any orders concerning it.

Defense Counsel referred to 2479-PS, an affidavit by Dr. Rudolf Mildner, dated the 4th of November, 1945 which stated that the "SD" members" who took part in the Gleiwitz incident received the War Service Cross, Second Class (Page 501). Witness denied this insofar as his men and himself were concerned (Page 501). Reference was also made to the statement of witness Lauhousen that he had heard from a man named Birckel that "all of the men of the SD who took part in this incident have been killed" (Page 414 of the German transcript). Witness observed that he was still alive and he had not heard that the other persons who took part in the incident were dead.

Polish citizens or their rights were not involved (Page 502). Gleiwitz was 10 kilometers from the Polish fronteir and was in Germany. The attack was for purposes of propaganda.

In cross examination witness stated that he was a member of the SS from 1931 to 1944, of the SD from 1934 to 1941 and from 1941 to the middle of 1942 in the WAFFEN-SS (Page 505). He carried out the Gleiwitz operation as a matter of personal confidence on the part of Heydrich but denied this was because of the work that he had previously done in the SS and SD (Page 506).

2. The meaning of the expression "SD Man".

In reply to Defense Counsel witness explained the contradiction between his statement of 19 November 1945 and his present answer (that no SD or AMT 4 men were employed) as follows.

All people working in offices under Heydrich were called for short "SD men". This was a general description. The men came from various sections of Heydrich's command. In cross examination witness stated that if an "all around" view is taken of the term "SD men" then some of these may be said to have taken part in the Gleiwitz incident. There was for instance an SS formation in the SD but as far as Heydrich was concerned the term "SD man" meant any one he could trust politically. The radio technician who took part in the operation did not belong to the SS or the SD.

PS 2751 - US 482, an affidavit of the witness on the 20th of November made on behalf of the Prosecution, was referred to (Page 507), and to his statement " I and other SD agents were in civilian clothes". Witness contended that his error was not corrected since there was a considerable difference between what the Prosecution meant by "SD man" and what he meant (Page 508). He did not realize this mistake until after he heard that the SD had been given the blame for the action and an SD man was anyone he could trust (Page 509).

In reply to the Prosecution, witness said he realized the SD itself was an accused organization when he read a written statement of the Prosecution in prison (Page 510). This was understood to be the trial brief of the GESTAPO (Page 511). In a resumed cross examination on the 24th of May, witness refused to say at what date he saw this document but agreed that he had heard in December that the SD was indicted (Page 103). He denied that he had tried to concoct a defense for the SD since that time. He decided to defend the SD since the evidence given to the Prosecution had been misunderstood by them (Page 104).

In re-examination the term "SD man" was further discussed and witness agreed that the following definition was correct, and "SD man" might be (1) a member of the Inland Intelligence Service, Ampt 3; (2) a member of the Ereign Intelligence Service outside Germany, Amt 6; (3) a member of Amt 7 (research); (4) a member of the so-called SD of the SS. (Page 1118), together with all members of the RSHA and some members of the Gestapo and Kripo. There were, therefore, four different meanings and as the witness previously stated, it also meant a man who was considered reliable by Heydrich. Witness agreed that this was the correct version and this explained his original use of the term in the affidavits that he swore on behalf of the Prosecution.

3. Activities of the SD in Denmark and Czechoslovakia.

Czechoslovakia. In cross examination reference was made to another affidavit of the 20th of November (put in by the Prosecution as Organization No. 1) in which mention was made of small tins of explosives being delivered by the witness to a village close to the border in Slovakia in March, 1939 where there was a section for carrying out SD activities. These explosives were for the use of certain Slovak groups (Page 107). The leaders of the SD were admittedly involved in this incident (Page 108).

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Prosecution then went on to refer to a statement made on the 12th of September in which the witness said he went over to the Allies voluntarily in 1944 because the "SS would get him". He felt he would only be given dirty jobs by Himmler so he deserted (Page 109). (The Commissioner doubted the relevancy of this evidence but the Prosecution said it was to prove that the SD and the SS were employing him for "dirty work".).

The expression "SD", declared the witness, always meant to him all the organizations connected with the Security Service (Page 110).

Prosecution referred further to Amt 6 of the RSHA and to a subordinate department VI S (Page 111). The witness did not know whether the function of this department was sabotage or not.

In re-examination reference was made to the witness's affidavit of the 20th of November, 1945 wherein he stated he had visited an SD Service Department. This was not the same as Amt 3 of what was later the RSHA but was concerned with counter-intelligence (Page 120). The witness agreed he was a member of Amt 6 (Foreign Intelligence). Members of Amt 6 did not know of the activities of Amt 3 and vice versa.

Reference was also made in re-examination to the second affidavit of November 20th concerning the manufacture of explosives. There was no special department within the SD for this kind of operation. (Page 122). The statement that the SD had a special office on the Czech border for this purpose may have been an incorrect translation (Page 123). The reference to the term "SD" as including the Security Police was also due to a mis-translation although witness agreed that this was the original German document signed by him when he swore the affidavit in the prison. The Security Police had, however, an office in the SD for foreign intelligence missions which were outside the scope of the Amt 6 (Page 124).

Denmark. Witness agreed he was sent by Himmler on an anti-terrorist mission to Denmark to combat the Danish resistence (Page 113). (The Commissioner could not see what this had to do with the SD but the French Prosecution insisted that this was an SD mission although Himmler sent him to Denmark personally. The Commissioner was also of the opinion that the mission did not appear to concern the SD but allowed the cross examination to continue.) (Page 113).

Witness stated he made several short visits to Denmark and made contact with Skorceny of Amt 6 whom he believed belonged to the Army and not to the SD (Page 114). He was not a member of the SD at the time but Skorceny gave him orders and lent him personnel from the WAFFEN-SS.

Referring to Danish people killed during these activities, he stated that they amounted to one-twentieth of the German soldiers killed by the Danes (Page 115).

Since the Prosecution raised the question of "dirty missions" to Denmark, the Commissioner allowed re-examination on this subject (Page 125). The mission to Denmark was a special mission and not activity of the SD. Himmler sent him in person (Page 127).

The agents who were working along the Czech border in 1939 were either SD agents or came from other branches of the Security Service. They were in fact only "confidence men" and not paid agents. These confidence men of the SD sent in their information to Amts 3 and 6.

At the time of the mission to Denmark the witness did not belong to Amts 3 or 6 but to the "military administration" in Belgium. (Page 129)

H1094-0103

II. Knowledge of Criminal Activities.

1. Knowledge of the details of the Gleiwitz Border Incident.

The fake border incident described by Hitler on the 1st of September 1939 was not generally known in Germany to have been fabricated by Heydrich and the witness. The object of the operation was to febricate an incident that would accentuate German feeling against Poland (Page 499) and thus encourage German interest in a war. Witness was forbidden to tell anyone about this operation. He did not talk to anyone nor did anyone else who took part in this since this would have meant certain death.

Note: The witness Naujocks was examined by Counsel for the Gestapo concerning the participation of that Organization in the Gleiwitz incident. Summary of his evidence is to be found on the next page.

H1094-0104

SUMMARY OF EVIDENCE OF ALFRED HELMUT NAUJOCKS

WITNESS FOR THE SD ORGANIZATION TAKEN BEFORE

A COMMISSION ON 23 OF MAY 1946

TRANSCRIPT PAGES 101 TO 130 AND PAGES

491 TO 512

SUBJECT: Crimes Against Peace. The Participation of the GESTAPO in the Gleiwitz Broadcasting Station Operation.

This witness was examined by Defense Counsel for the GESTAPO in relation to the incident.

I. Activities relating to Article 6 of the Charter.

1. Participation of Amt 4 & GESTAPO in the Gleiwitz incident.

Examined by counsel for the GESTAPO witness stated that Amt 4 was not involved (Page 504).

Reference was made to an allegation that a man named Mueller had taken part in the action. Witness denied this and doubted whether Mueller had anything to do with Amt 4 itself. None of his assistants in the operation belonged to the GESTAPO. In cross examination he was asked whether Mildner, Chief of the GESTAPO, had given witness directions concerning his part in the Gleiwitz operation. He was also asked whether Mueller had instructed him to receive the body of a dead man which was to be used in the fake attack. Witness agreed that he received the body through Mueller but was unable to say whether Amt 4 had anything to do with this (Page 116). The code word for receiving the body was "Canned Goods". Witness stated that he simply received the body at Gleiwitz and laid it down at the entrance to the broadcasting station (Page 117).

Summarized by: A.M.S. NEAVE
Lt. Colonel, AAG
Commissioner

H1094 - 0105

SUMMARY OF EVIDENCE OF HANS OBERLINDOBER

WITNESS FOR THE S.A. ORGANIZATION TAKEN

BEFORE A COMMISSION ON 30TH AND

31ST MAY, 1946.

TRANSCRIPT PAGES 421-435.

SUBJECT: Activities of the S.A. in relation to Crimes against Peace.

Witness was Obergruppenfuehrer Z.B.E. in the S.A., and was concerned, as a leading war veteran of his country, with the movement to improve the relationship between the war veterans of different countries (Pages 442, 427 and 431).

I. Activities relating to Article 6 of the Charter.

1. Crimes against peace.

As President of one of the welfare organizations for the victims of the war, witness realized that the unity among the Germans which was started in 1933 would not only be stopped but might be smashed for always by another war. That was why these discussions by the various war veterans had such a great repercussion among the men of the S.A., the Party and the entire German people (Pages 429 and 430).

II. Knowledge of Criminal Activities.

Witness was certain that until the last moment before the war his hopes of cooperation between the various war veterans was shared by the comrades of other nations (Page 430).

Summarized by: I. D. McIlwraith
Assistant Commissioner

H1094-0106

SUMMARY OF EVIDENCE OF LUDWIG OLDACH WITNESS

FOR THE GESTAPO ORGANIZATION TAKEN BEFORE

A COMMISSION ON 10 JUNE 1946 AT 1100 HOURS

TRANSCRIPT PAGES 728 TO 773

SUBJECT: Organization, Personnel, Construction, Tasks and Activities of the Gestapo in Schweran Mecklenburg and other Gestapo Districts, with additional consideration for voluntary nature of Gestapo Membership.

Witness was a member of the Nazi Party from 1925 (p. 751). He had entered the Mecklenburg Justice Department in 1905 and became judicial trainee in 1908, working with various local district courts until 1917. He was with the Mecklenburg Finance Department from 1917 to 1920 and from the latter date until 1928 was with the Reich's Finance Department as Tax Inspector and as Chief Tax Inspector from 1928 until 1933. In 1933 he was made Chief of the Political Police in Mecklenburg, in which position he was also in charge of the Criminal Police. He remained in charge of the Gestapo in Mecklenburg district until the end of the war. (p. 728)

Cross examination elicited from him the fact that he had been active in Party politics since 1923, at which time he was Ortsgruppenleiter. From 1930 to 1933 he was Kreisleiter. He became Standartenfuehrer in the SS at the time of the coordination decree and attained his SS rank because of his rank in the Gestapo. (p. 752)

I. Activities Relating to Article 6 of the Charter.

1. Structure and Activities of the Gestapo in Mecklenburg

At the time of his appointment in 1933 witness was in charge of both the Gestapo and Criminal Police in Mecklenburg. Prior to this date there had not been any Political Police detachment or office there, and the Gestapo stayed within the Criminal State Police Department until 31 March 1937. In 1934, however, the Gestapo was given equal rights with the Criminal Police, and both were under the Police Department of the State of Mecklenburg.

Witness had 15 Civil Service employees in his department, all of whom were former members of the Regional State Police Department. Having been drawn from Criminal Police, Regular Police and Gendarmerie Branches, the economic and social administration of the department was handled by the Mecklenburg police. Only 4 of the 15 were Party members prior to 1932 and some, but not all, joined the Party after that date. Thus transfer to the Political Police Department was purely an administrative step in the history of these Civil Service employees. (pp 730, 731, 762)

As Chief of the Political Police, witness concerned himself with discovering and finding organizations and factions hostile to the State. His investigations included the possible criminal activities of State and Party officials and reports to both the State and Party on all major political matters. For this work his department was split in to for sub-divisions: (1) for personnel; (2) for economic matters; (3) for the SD and (4) was divided into (A) information concerning socialism and communism; (B) opposition to the Nationalist Socialist movement and, during war, activities hostile to the national cause; (C) investigation of alleged criminal activity of Party members and matters concerning the

church, Free Masons, and Jews; and (D) counter espionage and foreign information. (pp 733, 734)

He received orders from the Reich's Security Office, from the Stadthalter who was also the Gauleiter, and from the State Minister (p. 734). He was not under the supervision of the Gauleiter as such but simply because the Gauleiter happened to be Stadthalter (p. 771). He made a case to case report to the Stadthalter and, during the war years, reported verbally to him every two weeks (p. 734). The only written reports he sent to political sub-leaders occurred when he reported to them the results of the investigations they requested (p. 734). Witness' oral report to the Gauleiter every two weeks was required after an incident in which a State employee had illegally taken a man into protective custody, after witness' protest of this violation.

The Gauleiter asked him to report concerning espionage; the smuggling of foreign currency by high Party members; an attempt by the landed nobility to establish a reactionary Government; the anti-social conduct of estate owners; and alleged communists. (p. 754)

The Gestapo employed no information agents, as such, and secured most of their information from the local police leaders, the gendarmerie, the SD, the Party leaders, and specially selected comrades in the war plants. One official was charged with securing the information with respect to the church, the Jews and the Free Masons, which was an easy task in Mecklenburg because the Free Mason Chapters had been closed in 1943. There were only 322 Jews in the area. (pp 755, 756, 757)

The SD was quite independent of witness' department but he knew the leaders of the Liaison Office in Rostock. The SD came to him with information regarding church activities but he officially had nothing to do with them.

Political groups and officials continuously attempted to influence him in his work and his relations with the Kreisleiters were not of the best. He cited examples of work against lawlessness within the Party as follows: prosecution of a high SA leader for embezzlement; report against SA men for assault and disturbing the peace; investigation of an attack alleged against an Ortsgruppenleiter which culminated in the conviction of the latter for murder in 1942; and the arrest of a high Gau administrative officer for aiding a murderer. (pp 734, 735)

Prior to 1937 Gestapo officers were trained either in the school Schwevin or at the police school at Charlottenburg. After 1937 trainees in the lower brackets attended police school and higher officers went first to Charlottenburg and later to Fuerstenburg. Police schools considered that actual occupational training and the training of fanatical fighters for the NSDAP were both important. (pp 735, 736)

Secret messages were recorded in a day book in his office and one officer was appointed to handle these. Secrecy was enjoined and witness made a quarter annual check-up. (pp 736, 762)

Persons arrested by the Gestapo were brought to prisons which were run by the Ortspolizei officers. The Gestapo had no prisons of their own in his area. Interrogations took place within the Gestapo building or at the office of the local police. Witness was sure that no tortures or abuses occurred during the interrogations in his office because he was able to continually check against them. (pp 737, 738)

After interrogation the suspect was brought back to the Justice Prison, his alibis examined and his trustworthiness investigated, and he was then either brought to court or set free. According to Police Department investigation rules, representation by a lawyer was not allowed. (pp 738, 739)

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Protest to the Reich's Main Security Office was allowed through official channels against protective custody. These protests sometimes brought results. (p. 739)

The Gestapo was required to work with the State Attorney and cooperation between the department of the witness and that office was correct and good. (p. 739)

The Gestapo was authorized the use of harsh methods in interrogations but the witness considered that this was a permissive regulation and he refused to allow third degree methods within his department. The witness, in addition, wrote a protesting report against the order which authorized these methods. (pp 739, 772)

There was an order requiring that the Department Chief of a Civil Service employee had to be notified of the impending arrest of one of his men. The witness adopted this policy in an arrest he made in 1944 of von Willisen, the Chief Forestry Officer of Schwevin. After investigation he reported to Berlin recommending release and Willisen was released. Later Willisen told him that he had been connected with the incident of July 20, 1944. (p. 740)

The Gestapo had nothing to do with prisoner of war camps; although the camp of New Brandenburg was in his area. The witness remembered a decree from the Reich's Main Security Office requiring Gestapo commissions to sort out racial and political undesirables. He nominated men to go to Berlin for this work and they then came under the direct supervision of the Reich's Main Security Office. After about five weeks the man delegated to work at New Brandenburg prisoner of war camp reported to the witness that it was impossible for him to select any persons because he had no files concerning them. Gradually the whole matter was forgotten in his area. Witness believed that the order required the segregation but not the execution of prisoners and no prisoner was selected, much less, executed in his area, to the best of his knowledge. (pp 742, 743, 765)

Foreign workers in his area who were absent from work more than once received 10 days' protective custody and further repeaters received up to three weeks in the Justice Prison or the State Welfare House in Guestrow. Many workers preferred this sentence to work in the factories. Persons receiving up to 8 weeks went to the labor camp at Hegerwelle near Stettin. Witness always investigated the reason for the absence and when he found that the fault lay with the factory or with the farmer the worker was sent to a better place of employment. (p. 745)

Witness did not receive the "commando decree" and search for enemy fliers was conducted by the order and criminal police, not by the Gestapo (p. 745). Sabotage at the Heinkel, Arado and Dornier plane plants was negligible and usually traced to people working in the factory. (p. 745)

When the witness desired information he contacted the Personnel Chief at the Reich's Main Security Office or Dr. Best and, after his resignation, Mueller. The witness was not in good standing with Heydrich who thought he was too bureaucratic. These meetings with Best and Mueller were not general meetings together with other leaders of the Gestapo but were individual conferences for which he applied and to which he received a summons. (pp 746, 747, 765)

The witness had never seen 3943 PS USA Exhibit 864, which is a series of reports regarding the Eastern Occupied territories, nor had he seen US 8003876 PS, a covering letter from Heydrich, enclosing a report to Reich's Defense Commission. It is true that Hildebrandt, the Gauleiter in witness' area, was Reich's Defense Commissioner for the Mecklenburg part of Wehrkreis 2 but Schwede-Coburg was Defense Commissioner for the Pomerania part of Wehrkreis 2.

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2. Anti-Jewish Activities of 1938 - Part played by the Gestapo

On November 9, 1938 there was a meeting between the Gestapo officials, officials of the SD and of the Inspectors in Munich. Witness attended this meeting and heard Heydrich state that upon orders of Hitler, instigated by Dr. Goebbels, an anti-semitic demonstration was due to start. The pretext for this pogrom was the death of von Rath. Heydrich expressed his disagreement with Goebbels and his disapproval of the proposed activities. He stated the duty of the Gestapo was to protect against the destruction of property of the Jews. (p. 748)

By the time the witness arrived at Mecklenburg, a teletype message had reached his deputy who had caused a guard to be placed so as to avoid plundering. This teletype was in opposition to what Heydrich had stated but witness believed that the teletype had originated in Himmler and that Heydrich had to pass a law. (pp 748, 768) The actions against the Jews had already occurred when the witness arrived home. Shops were demolished in Schwerin and Rostock. No synagogues were burned in Mecklenburg and no Jews were arrested. The destruction of property was accomplished by the SA and the Party. (p. 767)

Witness did not know of Eichmann nor of the fact that Eichmann was in charge of the Jewish Commission within Amt IV. He had received from the Reich's Main Security Office its plan of organization which he had looked over but did not remember the names of people. He did not participate in a discussion with the Reich's Main Security Office of Amt IV regarding the final solution of the Jewish question. (p. 746)

3. Concentration Camps

There was no concentration camp in the neighborhood of Mecklenburg. Ravensbruck belonged to the State Prussian. Inmates of Ravensbruck worked in witness' sector and in 1944 there were complaints that the Ravensbruck people who worked in the factory were fed better than the German workers. On investigation this was found to be true. Witness visited Ravensbruck in 1937 but stayed for only one hour. (pp 741, 742)

Ordinarily subordinates of the witness did not accompany train transports to the concentration camps but once during 1943 his department accompanied a contingent of elderly Jews who were bound for Thevesenstandt. They were permitted to go only as far as the railroad station and their request to be shown Thevesenstandt was turned down. (p. 742)

The witness received the "kugel decree" which provided for three groups in concentration camps: (1) Persons who could be improved, (2) Those who after local arrest could be bettered, (3) Those who were pure criminals and were completely anti-social (p. 744). According to the witness the decree specified that all, except officers and non-commissioned officers, were to be sent to concentration camps, and there was another decree which said that Russian prisoners of war who had committed a crime during their life-time were to be sent to concentration camps. (p. 764) He understood the word "bullet decree" (kugel decree) to mean that persons in Group 3 would receive a chain and ball. (p. 744) There were no prisoners of war in the witness' district who came under this decree and, therefore, witness had no occasion to carry out the decree. (pp. 744, 764)

Witness never heard of the "Nacht und Nebel Decree" but remembered that there were 2 or 3 prisoners who, according to this decree, should have been sent to a concentration camp. He answered the request of the Chief State Attorney in February of 1945 by the statement that he did not have any concentration camp in his area and would not send the men elsewhere without an order from the Reich's Main Security Office. (pp 745, 746)

H1094-0110

4. Church - Contact of Mecklenburg Gestapo with Church Affairs

In Mecklenburg there was a tense situation in church matters since 1933 when the so-called German Christians, members of the Nazi Party, attempted to assert their ideology against the denominational and conventional churches. The witness attempted to safeguard the rights of the denominational church and was severely criticized. He proved to the Bishop that his clergy had behaved very badly and was thus instrumental in bringing about peace among the churches. (pp 749, 750) There was attached to his headquarters a SD man who was a specialist in church activities but witness had nothing to do with him. He also had in his own organization an expert on church questions but he found it necessary to handle this work himself. One of his deputies attended a conference in Berlin in this connection and he believed that a circular letter from Heydrich to all State Police, 1815 PS US 510, was the occasion of his sending this man. He did not know the purpose of this meeting. (p. 758)

He never had any difficulty with Roman Catholic Church, of which there were very few members in his district. He did remember receiving a Catholic priest, Dr. Ohomacht, who had been active in Catholic action in Vienna and Linz. This man had come to him on orders from Berlin and he was instructed to quarter him in a small town. He did this and he remembered Dr. Ohomacht expressing surprise that he was so well treated. (pp 758, 759)

II. Evidence of Voluntary or Compulsory Membership

Volunteers were taken into witness' department in 1937 and they comprised about 10 percent of the total. It could be said that for the average Civil Service employee a transfer to the Political Police Department was purely an administrative matter involving no discretion on his part. There was a possibility for discharge under the German Civil Service Employees' Law but the employee would then lose any pension or other benefit and, therefore, discharges were most uncommon. Requests for transfer to other police groups were not heeded and the witness remembered that in the case of one employee who trying to join the Army wrote directly to the Air Ministry, he, the witness, was instructed to threaten heavy fines. There was issued later an order which specifically forbade any such requests. Some of the witness' subordinates were members of the Board of Police after 1933. They did not like their work but it was only with great difficulty and by means of sending unfavorable reports of their aptitude as policemen that the witness was able to secure for them releases from police work. (pp 731, 732)

As an example of the compulsory nature of the service of many people in the Gestapo, the witness mentioned his deputy, First Kriminal-Kommissar Marquardt, who was appointed in 1934. This man had not applied for the position but was commandeered by the Ministry of the State. (p. 753) There was a special examination for entering the Gestapo which was used for those who volunteered. For those who did not volunteer, they were commandeered as police officials. (p. 761)

III. Knowledge of Criminal Activities

The Gestapo was not a Party organization but a civil organization like any other Civil Service organization. Indeed most of the Party groups complained of the Gestapo, especially in church matters in which the clergy thought they were being persecuted. Gestapo officials did not realize that they were asked to permit criminal activities in carrying out instructions of the Reich's Main Security Office. They were professional Civil Service, did their duty and no more. (pp 750, 751)

Summarized by:

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